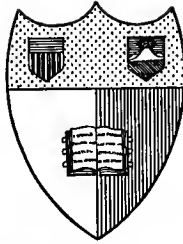


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THE
BENCH AND BAR
OF
CLEVELAND.

BY

JAMES HARRISON KENNEDY,

AUTHOR OF "THE EARLY DAYS OF MORMONISM," "THE AMERICAN RAILROAD,"
EDITOR OF "MAGAZINE OF WESTERN HISTORY,"

AND

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EDITOR "IRON TRADE REVIEW."

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CONTENTS.

<i>I.</i>		PAGE.
INTRODUCTORY— <i>James Harrison Kennedy</i>		7
<i>II.</i>		
THE LEGAL AND JUDICIAL HISTORY		15
THE COUNTY LEGAL HISTORY: COMMON PLEAS, PROBATE AND UNITED STATES COURTS— <i>F. T. Wallace, Esq.</i>		17
THE CIRCUIT COURT		43
THE SUPERIOR COURTS— <i>Hon. G. M. Barber</i>		43
THE BANKRUPTCY COURTS— <i>Helen E. Watterson</i>		52
THE MUNICIPAL COURT— <i>C. W. Heaton</i>		53
THE JUSTICES AND THEIR COURTS— <i>W. R. Rose</i>		59
<i>III.</i>		
THE BAR ASSOCIATIONS		75
THE CLEVELAND BAR ASSOCIATION— <i>C. W. Heaton</i>		77
THE CLEVELAND LAW LIBRARY ASSOCIATION— <i>A. A. Bemis, Esq.</i>		80
<i>IV.</i>		
THE COUNTY COURT HOUSES		87
<i>V.</i>		
THE NOTED CRIMINAL AND OTHER CASES— <i>W. R. Rose</i>		93
<i>VI.</i>		
MISCELLANEOUS		115
CLEVELAND LEGAL WRITERS AND WRITINGS		117
THE CROWELL LAW SCHOOL		120
THE CLEVELAND LAW COLLEGE		121
CITY ATTORNEYS—CITY SOLICITORS—CODIFICATIONS		122
CLEVELAND'S FIRST WOMAN LAWYER		124
COURT STATISTICS		125
THE FOREST CITY LYCEUM		130

CONTENTS.

<i>I.</i>		PAGE.
INTRODUCTORY— <i>James Harrison Kennedy</i>		7
<i>II.</i>		
THE LEGAL AND JUDICIAL HISTORY		15
THE COUNTY LEGAL HISTORY: COMMON PLEAS, PROBATE AND UNITED STATES COURTS— <i>F. T. Wallace, Esq.</i>		17
THE CIRCUIT COURT		43
THE SUPERIOR COURTS— <i>Hon. G. M. Barber</i>		43
THE BANKRUPTCY COURTS— <i>Helen E. Watterson</i>		52
THE MUNICIPAL COURT— <i>C. W. Heaton</i>		53
THE JUSTICES AND THEIR COURTS— <i>W. R. Rose</i>		59
<i>III.</i>		
THE BAR ASSOCIATIONS		75
THE CLEVELAND BAR ASSOCIATION— <i>C. W. Heaton</i>		77
THE CLEVELAND LAW LIBRARY ASSOCIATION— <i>A. A. Bemis, Esq.</i>		80
<i>IV.</i>		
THE COUNTY COURT HOUSES		87
<i>V.</i>		
THE NOTED CRIMINAL AND OTHER CASES— <i>W. R. Rose</i>		93
<i>VI.</i>		
MISCELLANEOUS		115
CLEVELAND LEGAL WRITERS AND WRITINGS		117
THE CROWELL LAW SCHOOL		120
THE CLEVELAND LAW COLLEGE		121
CITY ATTORNEYS—CITY SOLICITORS—CODIFICATIONS		122
CLEVELAND'S FIRST WOMAN LAWYER		124
COURT STATISTICS		125
THE FOREST CITY LYCEUM		130

	PAGE.
<i>VII.</i>	
STORIES OF THE BAR	135
ANECDOTES AND INCIDENTS— <i>Hon. Harvey Rice</i>	137
STORIES OF PIONEER DAYS— <i>Hon. James M. Coffinberry</i>	142
RANDOM RECOLLECTIONS OF THE EARLY DAYS— <i>Hon. James A. Briggs</i>	149
RECOLLECTIONS OF THE CLEVELAND BAR— <i>D. W. Cross, Esq.</i>	154
JUDGES OF THE SUPREME COURT OF OHIO— <i>A. T. Goodman</i>	164

<i>VIII.</i>	
SOCIAL GATHERINGS OF THE BAR	171
THE BAR PICNIC AT NELSON LEDGES— <i>Charles E. Kennedy</i>	173
THE BAR BANQUETS— <i>F. T. Wallace, Esq.</i>	176

Speeches of H. B. Payne, Martin Welker, R. F. Paine, D. R. Tilden, J. M. Jones, J. W. Heisley, F. J. Dickmau, W. W. Boynton, Henry McKinney, R. P. Ranney, J. E. Ingersoll, M. D. Leggett, J. H. Rhodes, Virgil P. Kline, W. C. McFarland, J. C. Keffer, Harvey Rice, W. S. Kerruish, J. M. Coffinberry, E. T. Hamilton, E. J. Estep, G. T. Dowling, Amos Denison, and S. O. Griswold.

<i>IX.</i>	
BIOGRAPHICAL DIRECTORY	243
THE BAR OF 1889	245
AN OFFICIAL ROSTER	248
BAR BIOGRAPHIES	251

Harvey Rice, 252; John A. Foote, 252; R. P. Ranney, 253; S. Burke, 254; J. M. Coffinberry, 255; J. J. Elwell, 256; D. R. Tilden, 257; H. B. Payne, 257; M. D. Leggett, 258; J. M. Adams, 258; W. W. Boynton, 259; J. W. Tyler, 260; C. C. Baldwin, 260; H. McKinney, 261; M. R. Keith, 261; J. M. Jones, 262; J. E. Ingersoll, 262; J. M. Hoyt, 263; John Hu' 263; J. C. Hale, 264; M. R. Dickey, 264; Samuel B. Prentiss, 265; Martin Welker, 265; J. D. Cleveland, 267; Darius Cadwell, 267; Loren Prentiss, 268; J. W. Heisley, 268; R. C. P. 269; G. M. Barber, 269; E. T. Hamilton, 270; A. J. Ricks, 270; H. C. Ranney, 271; H. C. W. 272; James Wade, 272; A. T. Brewer, 273; E. J. Estep, 274; J. K. Hord, 274; C. E. Pennewell 274; P. Kline, 275; C. M. Stone, 276; G. H. Foster, 276; William Robison, 277; C. B. Bernar 277; E. Burton, 278; F. Sowers, 278; L. E. Holden, 279; A. T. Brinsmade, 279; L. V. 280; M. A. Foran, 280; E. S. Meyer, 281; G. E. Herrick, 281; F. H. Kelly, 282; James Lawrence, 282; A. J. Marvin, 283; R. E. Mix, 283; R. D. Noble, 283; L. A. Russell, 284; R. S. Shields, 284; Andrew Squire, 285; V. W. Andrews, 285; S. E. Williamson, 285; C. D. Everett, 286; J. G. White, 286; J. F. Herrick, 286; W. C. McFarland, 287; C. W. Noble, 287; E. H. Eggleston, 288; Amos Denison, 288; J. P. Dawley, 289; G. A. Groot, 289; S. O. Griswold, 290; J. H. Rhodes, 290; W. S. Kerruish, 291; H. J. Caldwell, 292; M. B. Gary, 292; A. W. Lamson, 292; C. M. Vorce, 293; W. B. Sanders, 293; H. D. Goulder, 293; M. T. Herrick, 294; W. E. Sherwood, 294; J. F. Weh, 295; W. C. Ong, 295; P. H. Kaiser, 295; F. T. Wallace, 296; John Coon, 296; James Hossack, 296; D. W. Gage, 297; J. H. Hoyt, 297; M. M. Hobart, 297; J. C. Hutchins, 298; Alexander Hadden, 298; A. H. Weed, 298; Peter Zucker, 299; Leonard Watson,

CONTENTS.

3

PAGE.

299; E. W. Laird, 300; J. H. Webster, 300; J. H. McMath, 300; E. J. Blandin, 301; E. B. Bauder, 301; T. H. Johnson, 302; O. J. Campbell, 302; T. A. McCaslin, 302; William Heisley, 302; T. K. Dissette, 303; W. T. Clark, 303; A. G. Carpenter, 304; W. F. Carr, 304; S. F. Adams, 304; N. A. Gilbert, 305; G. L. Case, 305; S. M. Eddy, 305; F. E. Bliss, 306; W. B. Bolton, 306; C. W. Collister, 306; S. D. Dodge, 307; C. J. Estep, 307; E. J. Foster, 307; Arnold Green, 308; E. W. Goddard, 308; E. D. Stark, 308; J. M. Hull, 308; N. T. Horr, 309; W. M. Hayden, 309; J. P. Green, 309; R. R. Holden, 310; T. L. Johnson, 310; George Hester, 311; H. A. Kelley, 311; C. V. Hull, 311; F. H. Goff, 311; J. T. Logue, 311; F. C. McMillin, 312; H. H. Poppleton, 312; Perry Prentiss, 312; J. R. Ranney, 313; F. B. Skeels, 313; A. A. Stearns, 313; T. L. Strimple, 313; R. D. Updegraff, 314; F. N. Wilcox, 314; Thomas Piwonka, 314; W. B. Neff, 314; A. St. J. Newberry, 314; J. O. Winship, 315; C. L. Weems, 315; O. L. Neff, 316; H. C. Ford, 316; F. E. Dellenbaugh, 317; C. L. Selzer, 317; V. H. Burke, 318; H. J. Ewing, 318; E. L. Hessenmueller, 319; G. C. Wing, 319; F. C. Gallup, 319; August Zehring, 319; J. M. Williams, 320; F. J. Wing, 320; L. A. Wilson, 320; G. H. Barrett, 320; J. W. Ball, 321; A. W. Beman, 321; H. M. Bull, 321; F. H. Bierman, 321; E. S. Cook, 321; M. W. Beacom, 322; W. G. Cleveland, 322; Jay Comstock, 322; C. W. Coates, 322; Eckstein Case, 322; M. W. Cope, 323; G. L. Dake, 323; Alexander Elmslie, 323; J. A. Osborne, 324; E. A. Angell, 324; J. E. Ensign, 324; H. M. Farnsworth, 324; F. C. Friend, 325; S. S. Ford, 325; G. C. Ford, 325; J. G. Pomerene, 325; J. R. Garfield, 326; Frederick Green, 325; A. T. Hills, 326; Edmund Hitchens, 326; H. A. Garfield, 326; Frank Higley, 327; M. C. Hart, 327; A. F. Ingersoll, 327; M. B. Johnson, 327; H. H. Johnson, 328; T. M. Kennedy, 328; C. F. Leach, 328; R. M. Lee, 329; G. W. McDonald, 329; J. M. Nowak, 329; M. G. Norton, 330; J. B. Paskins, 330; T. D. Peck, 330; Thomas Robinson, 330; W. M. Reynolds, 330; H. L. Vail, 331; A. E. Lynch, 331; J. J. Hogan, 331; W. L. Rice, 332; A. G. Melichar, 332; B. C. Starr, 332; S. H. Curtiss, 332; Wilbur Parker, 332; Walter Thieme, 333; J. C. Bloch, 333; J. H. Sampliner, 333; E. C. Schwan, 333; W. B. Higby, 333; J. W. Stewart, 333; Emil Joseph, 334; S. A. Schwab, 334; J. W. Sykora, 334; G. G. Sowden, 334; C. G. Canfield, 334; W. E. Talcott, 335; Charles Zucker, 335; J. W. Tyler, 335; N. P. Whelan, 336; L. H. Winch, 336; S. Starkweather, Jr., 336; J. A. Smith, 336; A. Strauss, 336; C. B. Robinson, 337; H. L. Robinson, 337; W. D. Pudney, 337; J. C. Poe, 337; J. S. Merry, 338; H. R. Keeler, 338; J. H. Dempsey, 338; R. A. Davidson, 338; J. C. Lower, 338; H. T. Cowin, 338; J. L. Athey, 339; H. C. Bunts, 339; C. M. Copp, 339; A. Benjamin, 339; Charles Taylor, 339; Frank Scott, 339; Montague Rogers, 340; J. W. Taylor, 340; R. S. Avery, 340; J. E. Farrell, 340; Orlando Hall, 340; G. L. Ingersoll, 341; B. W. Haskins, 341; J. A. Amor, 341; C. W. Baker, 341; C. W. Chesnutt, 341; J. K. Meaher, 341; H. H. Munn, 341; P. W. Payne, 342; S. C. Blake, 342; O. W. Broadwell, 342; C. F. Morgan, 342; W. T. Buckner, 342; E. E. Brooks, 343; A. H. Atwater, 343; W. M. Johns, 343; L. B. Eager, 343; E. J. Thobaben, 343.	
---	--

X.

ANECDOTES, ETC.	345
THE BURKE FISH— <i>George F. Marshall</i>	347
ANECDOTE AND INCIDENT	349

INTRODUCTORY.

THE BENCH AND BAR OF CLEVELAND.

INTRODUCTORY.

JAMES HARRISON KENNEDY.

The little settlement formed near a century ago at the junction of the Cuyahoga river with Lake Erie managed to exist until 1816 without a church organization, and held no church building until 1829; but courts, and the machinery for the conduct of civil affairs, were called for and supplied at an earlier day. It is, I know, a popular impression that the pioneer settlers, not only of the Western Reserve, but of all Western sections where New-England elements predominated, were pious and God-fearing men, who had little need of courts, and less of the officers of the law;—an impression too often strengthened by writers who talk of “the good old times” in a strain that would indicate that all times that were early were good, with no bad times or bad men interspersed.

The facts are,—as can be demonstrated by any one who looks under the surface of popular narrations,—that the strong arm of the law was needed in early Ohio as elsewhere; and that those who would protect themselves against violence, theft and the many forms of small swindling known in all times and the world over, were led to seek the establishment of courts and the enforcement of the laws, as soon as enough could be gathered at any center-point to make such proceedings possible. While the hardy and attractive virtues of courage, comradeship, hospitality, and back-woods chivalry existed in abundance and made the history of northern Ohio memorable by their constant display, there are too many instances recorded in proof of the presence of less attractive qualities, to be ignored. As Professor B. A. Hinsdale has well said, in illustration of a point similar to the above: “The first settlers were generally not godly men, such as founded Plymouth, Massachusetts, and Connecticut, or even Marietta and Granville, Ohio. The men who have created the traditional view of the early history

of the Reserve have either been ignorant of the following facts, or they have accorded to them little weight: First, the Reserve was opened to settlement at a time when religion in New England was at a low ebb. Secondly, Old Connecticut did not at first send, as a rule, what she considered her best elements to New Connecticut. At a later day, the character of the emigration improved in respect to religion and morals; but the first emigration was largely made up of men who desired to throw off the heavy trammels of an old and strongly conservative community, where church and state were closely connected, and where society was dominated by political and religious castes. Still further, the East was at this time swept by an epidemic of land speculation; while the laxative moral influence of a removal from an old and well-ordered society to the woods produced its usual effects." *

Doctor Hinsdale cites us to an authority † who casts a flood of light upon the moral and religious character of north-eastern Ohio, not proving that people here were worse than elsewhere, but that they were not all saints of the latter-day, ready to be translated without death, or beyond the criticism of modern biographers. Doctor Robbins was a missionary who set down his impressions as they came, in the privacy of his own diary, and no doubt with an idea that beyond the circle of his own descendants they would never see the light or undergo quotation. Doubtless he was something of a Jeremiah, who was disposed to see gloom where one of the temperament of Beecher would have caught the early gleamings of a better morn, but the plainness of language he employs leaves little doubt of his meaning. No section that deserved censure was spared; no denomination that needed correction was left unadmonished. There was a lack of religious interest everywhere; at Hudson,—afterwards one of the centers of religion and education in the West,—the people were "dull and worldly;" at Cleveland (in 1804) they were "loose in principles and conduct," and but few "had heard a sermon or a hymn in eighteen months." In Mesopotamia some were "much inclined to infidelity;" at Windsor the people were "thoughtless;" at Mentor, "much inclined to infidelity and immorality," while trading was indulged in on the Sabbath; at Painesville, "not one seemed to have the least regard for the Sabbath;" at Willoughby, one of the leading settlers "did not thank the missionary society for sending missionaries;" Newburgh was accused of "infidelity and profaning the Sabbath;" and no wonder that Doctor Hinsdale finds food for thought in Doctor Robbins' declaration that "the greater part of the New England people in the country are pretty loose characters." To quote,

* "Rev. Dr. Robbins on the Western Reserve." By B. A. Hinsdale, A. M., in *Magazine of Western History*, for August, 1889, page 353.

† "Diary of Thomas Robbins, D. D., 1796-1854." Printed for his nephew. Owned by the Connecticut Historical Society. In two volumes. Edited and annotated by Increase N. Tarbox. Boston, 1886.

as bearing upon this point, the forcible remarks* of a close student of Western Reserve history,—Judge H. C. White,—“the religious and political opinions of men at the close of the last century were greatly colored and affected by the ideas born of the French revolution. We do not at this distance rightly appreciate the force upon men of the new habits and modes of thought which found their way to America out of this great historic convulsion. No spirit has more reacted upon Puritanism than the spirit which arose out of this great upheaval. The political and religious doctrines of this grand epoch mingled with the nascent elements of society in these western wilds. They turned men for the time from the formalities and outward observances of religion. It was so with the rudiments of social growth even in the Puritan settlement of Cleveland. History records the fact that infidelity achieved an early and strong hold among the settlers. It was open and aggressive. It is said that in ribald mocking the effigy of Jesus was shockingly paraded in the new streets of the village. It was many years before any organized religious work found favor here; and by many years the distillery antedated the church.”

Yet these are only the shadows cast across a luminous background. No community planted west of the Alleghenies, in any period, had more to encourage it in its own age and commend it to the future, so far as good blood and training are concerned, than pioneer Cleveland, and that quarter of the state of which it is now the metropolis. This fact is so apparent in all the details of its history that no arguments need be urged in its behalf. As Judge White has said, in the paper already quoted: “The Connecticut Western Reserve is the last home of colonized Puritanism. In individuals and families it has been carried into the Mississippi valley and beyond it up the slopes of the Rockies and down the Western slopes, but in no other locality of the West does its organizing quality appear,—in no other place has its social flavor so permeated as here upon this Western Reserve. It was actually colonized here. The settlement of Northeastern Ohio was unprecedented. It was not the straggling immigration of a few families; it was the veritable exodus of a colony.” The stern, moral law of Plymouth indeed made a mark upon the time. “The Puritan inculcated a righteous sense of justice. He drew his legal inspirations from that ancient people whose legal code was graven on tables of stone. He may have been too ready to condemn the accused. And this same bias in the administration of public justice may have left its traces in this community. It is said that one of our legal criminal advocates in Ohio, a short time ago, was engaged on the defense in a noted case of homicide occurring in our midst. When asked the chances of his client, he said that if the trial were pro-

*“The Western Puritan.” Henry C. White, in *Magazine of Western History*, October, 1888, page 619.

gressing elsewhere, away from the heart of the Western Reserve, he could acquit his client. 'But,' said he, 'the accused is at the hard, unmerciful bar of those Puritans, who have reversed the gracious theory of the common law that every man is presumed to be innocent until proven guilty—and the result is doubtful.' But while we laugh at that quaint, fantastic and harsh asceticism which fulminated ponderous statutes against minute and trivial offenses, we should never forget that to this grand spirit of Hebraism—to that lofty ideal of the Puritan fathers who would fain have made the world a very city of God,—we owe the incalculable blessing of that conserving moral force springing from the Bible which finds its way into all the currents of our civil and social life." Judge White is not alone in this estimate of the strength and lasting endurance of this great force. "Though Puritanism has now outgrown most of its primitive peculiarities," says the Honorable Harvey Rice,* "yet many of its traits, like golden threads, are still apparent, not only in the texture of New England character but in the finish of Western Reserve character. It is this finishing touch that has given to Western Reserve life a moral power that wields a positive influence in the affairs of both church and state.

And though she reveres her ancestry, she never allows the Puritanic element she has inherited to misguide her judgment in matters of faith or in freedom of action. In a word, she has acquired a character of her own that is as remarkable for its noble traits as it is for its originality."

I have quoted these fruitful paragraphs for the purpose of showing why, in one respect, the bar of Cuyahoga county,—and especially in that period which now belongs altogether to history,—should be granted a distinction possessed by few like bodies in the West. During the two first decades of its record it was not a rude body of crude and half-educated men, evolved from the chaos of a new region, as a casual glance might show, but rather a New England court jurisdiction transplanted almost bodily from New England. The products of the best families; the sons of Revolutionary statesmen and Revolutionary soldiers; the graduates of the foremost colleges of the East; the legal seedlings of the best American culture of the day, ready to ripen in the virgin soil of New Connecticut; the young men of promise and hope, who banished themselves from the graces and culture of home, where there was little room unoccupied, and came on horseback or on foot to the open spaces of the West, where they, too, could expand and take root, as their fathers had before them;—these were the first lawyers of the Western Reserve, who have made the legal history of Ohio illustrious by their genius, and brightened it by the nobility of their characters. Call the roll of the first

* "Sketches of Western Life." By Harvey Rice; published by Lee & Shepard, Boston, 1888, (second edition), page 144.

hundred lawyers of north-eastern Ohio, and ask of each from whence he was transplanted, and about the heart-fibres of almost every one you will find the fragments of a parent New England soil! Pease, from Connecticut; Hitchcock, from Connecticut; Tod, from Connecticut; Andrews, from Connecticut; Ranney, from Massachusetts; Huntington, from Connecticut; Kelley, from Connecticut; Spalding, from Massachusetts; Foote, from Connecticut; Otis, from New Hampshire; Griswold, from Connecticut; Rice, from Massachusetts;—and so the list might be carried on to an indefinite length.

With such men, in all the vigor and power of young manhood, and ambitious for the future while careful for the present,—to set the pace for the new-made bar of Cleveland, the race was sure to be well run, and all the prizes contested.

Evidences are scattered through the pages that follow of the work they performed, the results they reaped, the scanty material returns at first, and the greater returns of honor and money as the country prospered, as their clientage was enlarged, and their powers matured. In the papers found elsewhere, some of these veterans tell of their personal experiences, and speak generous words of those associated with them. While the illy-paid practice of a young lawyer in a pioneer country, and the hardships of circuit-riding before railroads were invented or highways made, do not seem full of invitation to those born in better times and used to the smoother ways of life, it was far from being all darkness or all bitterness; and the surest way to bring the light of youth once more into the eye of one of these veterans of the bar is to recall the days of his youth, when he went forth into the wilderness, like the boy David seeking the giant Goliath. One veteran* has recalled some of these early days in a narrative that will bear brief quotation: "It was the custom to follow the courts in their terms for the several counties of their circuit; so that, substantially, the same bar would be in attendance at courts distant from others fifty to one hundred miles. We travelled on horseback, over very bad roads, sometimes mid-leg deep of mud, or underlaid with the traditional corduroy bridge. Our personal gear, the saddle-bags stuffed with a few changes of lighter apparel, often our law books; our legs protected with 'spatter-dashes,' more commonly called leggins, and our whole person covered with a camlet or Scotch plaid cloak, we were prepared to meet whatever weather befell us. It may well be supposed that meeting together at some favorite tavern, (such was the name in those days), the genial members of the profession, coming from different counties, would be likely to greet each other with more than ordinary warmth and delight. We were generally thrown together in one common, large sitting room, and frequently, in a large degree, in a like

*"Reminiscences of the early Judges, Courts, and Members of the Bar of Ohio." An address before the State Bar Association, Columbus, Ohio, December 26, 1883. By Hon. Henry B. Curtis.

sleeping room. Thus, conversations and amusements would become common through the whole circle. The profession was rather exclusive, and generally protected by the kind landlord from outside intrusion. Hence, returning to our hotel, after the quarrels and contests of the court room, and refreshed by a supper now not often seen, we gathered in our big parlor, perhaps around a large, brightly burning log-fire, and were ready for anecdotes, jokes and songs, as the evening and the spirits of the party might invite."

The earliest settlers of Cleveland,—that scattered few who were here at the close of the last century,—had little concern for the formation of courts, or their jurisdiction; and the proceedings of the first judicial body of the North-west Territory, at Marietta, in the Fall of 1788,* had little interest for the almost unbroken wilderness of north-eastern Ohio. The first Court of Quarter-Sessions of Trumbull county, to which Cleveland then belonged, was a later and a closer event, being held at Warren, on August 25, 1800. This court was organized in this manner: Under the territorial law, the governor was authorized to designate officers for any new county which he might choose to erect. The justices of the peace constituted the general court of the county, five of their number being designated justices of the quorum, and the others associates. They met quarterly; were known as the "Court of the Quarter-Sessions;" and in their hands was lodged the entire civil jurisdiction of the county—local, legislative, and judicial. The first session opened on the Warren common, at four in the afternoon, under a bower of trees, between two large corn-cribs. It continued five days, and the labors it accomplished can be best shown by the following synopsis of the record,† preserved in the handwriting of Judge Pease:

Trumbull County, }
August term, 1800. } ss.

"Court of General Quarter-Sessions of the Peace, begun and holden at Warren, within and for said county of Trumbull, on the fourth Monday of August, in the year

*The first Court of General Quarter-Sessions held in the "Territory North-west of the River Ohio," was opened at Marietta, in "Campus Martius," September 9, 1788. The commissions appointing the judges were read. Judges Putnam and Tupper, of the Common Pleas Court, were on the bench, and, with Esquires Isaac Pearce, Thomas Lord and Return Jonathan Meigs, jr. (three county justices of the peace or territorial magistrates), constituted the quorum of our first Court of Quarter-Sessions, held a hundred years ago in the North-west Territory. The first act of the court was to proceed to impanel a grand jury, which was accordingly done, the following named gentlemen constituting that body, namely: William Stacey (foreman) Nathaniel Cushing, Nathan Goodale, Charles Knowles, Anselm Tupper, Jonathan Stone, Oliver Rice, Ezra Lunt, John Matthews, George Ingersoll, Jonathan Devol, Jethro Putnam, Samuel Stebbins and Jabez True. And this was the first grand jury to exercise its important functions in the "Territory North-west of the River Ohio."

† "History of Trumbull and Mahoning Counties." Cleveland, 1882, vol. 1, page 66.

of our Lord eighteen hundred, and of the independence of the United States the twenty-fifth. Present, John Young, Turhand Kirtland, Camden Cleveland, James Kingsbury, and Eliphalet Austin, Esquires, justices of the quorum, and others, their associates, justices of the peace, holding said court. The following persons were returned, and appeared on the grand jury, and were empaneled and sworn, namely: Simon Persons (foreman), Benjamin Stowe, Samuel Menough, Hawley Tanner, Charles Daly, Ebenezer King, William Cecil, John Hart Adgate, Henry Lane, Jonathan Church, Jeremiah Wilcox, John Partridge Bissell, Isaac Palmer, George Phelps, Samuel Quinby, and Moses Park. The court appointed George Tod, Esq., to prosecute the pleas of the United States for the present session, who took the oath of office. The court ordered that the private seal of the clerk shall be considered the seal of the county, and be affixed and recognized as such till a public seal shall be procured. The court appointed Amos Spafford, Esq., David Hudson, Esq., Simon Perkins, Esq., John Minor, Esq., Aaron Wheeler, Esq., Edward Payne, Esq., and Benjamin Davidson, Esq., a committee to divide the county of Trumbull into townships, to describe the limits, and boundaries of each township, and to make report to the court thereof."

Under these instructions, the committee divided the county into eight townships, of which Cleveland was one, and the report was accepted and confirmed. Constables for the various townships were appointed, Stephen Gilbert and Lorenzo Carter being designated to serve in Cleveland; and after a variety of orders had been given upon minor matters by the court, it adjourned,—and local civil government in north-eastern Ohio was set going. The steps by which Cuyahoga county came into being, and her courts were established and commenced their long and honorable career, are related in full in the pages that follow. It needs no more than the various papers that follow to show that the Bench and Bar of Cleveland have held their own in honor and reputation with those of any community of the West, and performed their part in making the history of Ohio for the three-quarters of a century past. Much has been said and much more might have been said, but all the details of history of a great body of men in a conspicuous profession are not to be gathered within even the ample space of a volume of this character. The publishers, the editors, and the writers have endeavored to cover the field as comprehensively as possible, and to present the salient points of record, of incident, and of reminiscence, trusting that, in the plenitude of that which has been said, the forgotten or overlooked may be forgiven or condoned.

THE LEGAL AND JUDICIAL HISTORY.

THE LEGAL AND JUDICIAL HISTORY.

F. T. WALLACE.

There is an evolution of political institutions as there is of life on the earth, more manifest to us in our rapid westward development of states, counties and cities than is apparent in the rise and progress of those of ancient times. The legal and judicial history of Cuyahoga county embraces two periods—the territorial and the constitutional. During territorial times, from the institution of civil government under the confederation and the ordinance of 1787, at Marietta in 1788, to the state constitution of 1802, the specific territory now called Cuyahoga county was then unindicated, unnamed and unknown, except as constituting a fraction of the vast Territory of the North-west.

The first territorial governor and judges, in whom was vested legislative power, on the 27th of July, 1788, created the county of Washington, with Marietta as the county seat, embracing the territory from the Ohio river to Lake Erie, with the Cuyahoga river and the Portage path as its western boundary, then including the eastern part of the present county. It is the first time the name of the river appears in territorial legislation.

There was an Indian trading post at the mouth of the Cuyahoga in 1791, but otherwise the whole region of the south shore of Lake Erie, and far into the interior, was but the habitation of the wild man, and the wilder beasts, of a dark and almost impenetrable forest. On the 15th of August of this year, the authorities of the North-west Territory created Wayne county, nominally embracing the whole tract from the Cuyahoga westward and northward beyond Detroit, which place they made the county seat. Thus, the county seats of Washington and Wayne were over three hundred miles apart, and the territory of the present Cuyahoga county was divided between the two jurisdictions by the river. However, as the Indians had primitive ways of settling disputes among themselves, prompt and effectual, unretarded by the law's delay, and having no suits in court, and never being called to serve as jurors in the white man's court, they never complained of the remoteness of county seats and judicial tribunals.

In September, 1796, the "City of Cleaveland" was surveyed and mapped—a forest city, indeed. The following year Washington county was divided, and the territory east

of the Cuyahoga was embraced in the new county of Jefferson, with Steubenville as the county seat. The last division by the territorial legislature in 1800 was in the creation of Trumbull county, embracing the entire Western Reserve, including the Fire-land and the opposite islands, with county seat at Warren. The state legislature subsequently, in 1807, created several counties out of the original Trumbull county territory among them Geauga, with Chardon as county seat, Cuyahoga county, with territory substantially as now, with Cleveland as the county seat, but it was left attached to Geauga county for judicial purposes until its organization by due appointment of officers, three years later, January 16, 1810.

The administration of law within what is now Cuyahoga county began in the infancy of the settlement of Cleveland, during the territorial period, when Governor St. Clair appointed James Kingsbury, of Cleveland, a justice of the Court of Quarter Sessions for the county of Trumbull, held at Warren. In addition to his attendance upon the regular session at the county seat, he dispensed whatever of local justice was necessary at home. The legends which have come down to us from the old pioneers have secured for Judge Kingsbury's memory a reverential affection and regard among the present generation. Born in Norwich, Connecticut, he emigrated with his father at the age of eighteen, to Alsted, New Hampshire, where he married a most estimable lady, Miss Eunice Waldo, received a military commission, with the rank of colonel, from the governor of New Hampshire, and in 1796, with his wife and three young children, a yoke of oxen, a horse and cow, and a few articles of household effects, commenced the long and weary journey to the Western wilderness. He was the first pioneer of the Reserve unofficially connected with the surveying party. The sickness and suffering of the family, and the death and burial of their infant during their brief stay at Conneaut before reaching Cleveland, are among the saddest stories of pioneer life.*

The first lawyer who established himself in Cleveland, while yet Ohio was in territorial condition, in 1801, was Samuel Huntington. He was a *protege* and adopted heir of his uncle and name-sake, Governor Samuel Huntington, of Connecticut. He was an educated and accomplished gentleman, about thirty-five years of age, had traveled in Europe and held correspondence in the French language. He had a wife and two sons. The same year he built a spacious block house on the high bluff overlooking the river valley and lake, in the rear of the present American House, the grounds of which fronted on Superior street. It was considered a baronial establishment among the half-dozen neighboring log cabins of the paper city. He had visited the previous year, a few settlements and had made the acquaintance of Governor St. C.

*See Whittlesey's "History of Cleveland," page 268.

at Chillicothe, and soon after his settlement in Cleveland, the governor appointed him lieutenant colonel of the Trumbull county militia, and in 1802 one of the justices of the Quorum, and priority was conceded to him on the bench of Quarter-Sessions. He was elected a delegate to the convention to form a state constitution in 1802. He was elected a senator for the then county of Trumbull, and on the meeting of the legislature at Chillicothe was made president of that body. He was appointed a judge of the Supreme Court in 1803, his commission, which was signed by Governor Tiffin, being the first issued under the authority of the State of Ohio. In 1807, Judge Huntington was elected governor, succeeding the first governor, Tiffin, who became a senator of the United States. Thus the legal and judicial history of our city and county had an honorable and auspicious beginning in the person of Samuel Huntington—the first lawyer, judge and governor of the state from among the pioneers of the last years of the eighteenth century, on the shores of Lake Erie.

The second legal character of note who took up his abode in Cleveland was Stanley Griswold. He had been appointed from Connecticut secretary of the territory of Michigan in 1805, under Governor Hull, and collector of the port of Detroit. Having resigned his official trusts, he made his home within the township, near Doan's Corners. Mr. Tiffin resigned his seat in the United States senate, and Governor Huntington appointed him to fill the vacancy. It is among the remarkable circumstances of that early period that Cleveland had a judge of the Supreme Court, a governor, and a United States senator before it had a physician. There was, however, but little important legal civil business, and perhaps not more than two or three criminal cases to note, in which Mr. Huntington participated in the trial, either as lawyer or judge, during the pioneer period. The first murder of which there is any record was that of Menompsy, in 1802, a "medicine-man" of the Chippewa tribe, by Big Son, a Seneca. Big Son's squaw fell sick and he had employed the Chippewa doctor to attend her; but as she died, the disconsolate husband, prompted thereto by superstition and whiskey, attributed her death to malpractice, and, instead of bringing suit for damages after the manner of the pale-face, plunged a knife into the heart of the red-skin doctor, and thus settled the doctor's bill for the squaw's "last sickness," and obtained satisfaction for her loss.

As the west side of the river was the camp and territory of the Indians, remnants of several tribes, excited by the murder of the medicine-man, and fearful lest they might take vengeance on the few white settlers on the east side, efforts were made, and through the influence of Mr. Huntington and others succeeded, by which they were induced to withdraw to Rocky River, to hold their pow-wow over the dead, and to deal with the murderer according to the principles of Indian retaliatory justice.

There occurred in 1807 a double tragedy which portended an Indian war of exter-

mination of the few white settlers. An Indian called John Mohawk killed a white man named Daniel Diver. Two of Diver's friends, named Darrow and Williams, determined to avenge the murder. Finding a Seneca Indian named Nicksaw in the woods and either believing him to be the murderer, or not caring whether he was or not, without a word of warning, they shot him in his tracks and left him in the snow. It was soon ascertained that it was not Nicksaw, but John Mohawk who had killed Diver. Then the whites in the several settlements were anxious that Mohawk should be demanded from the Indians and punished for his crime. At the same time it was suggested by some of the leading men that equal and exact justice required that Darrow and Williams should be arrested and punished for the killing of Nicksaw. Their friends and neighbors bitterly opposed this, and threatened death to any officer who should attempt to arrest them. The surrounding country was greatly excited, while the few inhabitants of Cleveland watched the movements of the Indians across the river, and were anxious above all else to keep the peace with a dangerous enemy that far outnumbered them. Stigwanish, or Seneca, as he was commonly called, chief of the leading tribe of that name, held audience with Judge Huntington,—said he was not content to see all the power of the whites used to inflict punishment on John Mohawk, while they were indifferent regarding the murder of an innocent Indian. He wanted justice for both sides. He offered to deliver up Mohawk when the slayers of Nicksaw were secured. He said he did not want war, but did want justice. The result of the whole excitement was that neither party obtained justice. Mohawk was not given up by the Indians and the murderers of Nicksaw were not punished by the whites. Seneca was a remarkable specimen of the wild man of the forest. His fame has come down to us through three generations. He was characterized by General Paine, the founder of Painesville, as having the honesty of Aristides, the dignity of a Roman senator and the benevolence of William Penn. Unlike the average Indian, he never asked for a gift, and when one was voluntarily made to him he always returned it by another of equal value. He was killed in Holmes county, in 1816, by a white man.

Mr. Huntington participated very early in the trial of McMahon, at Youngstown, charged with the murder of an Indian named Spotted George, at Salt Springs, but it does not appear in history whether for the prosecution or the defense. After having served one term as chief magistrate of the state, Governor Huntington retired to his farm near Painesville, where he resided until his death.

COMMON PLEAS COURT.

Cuyahoga county began its independent existence in May, 1810, by holding its first term of court. Hon. Benjamin Ruggles was presiding judge of the Court of Common Pleas; Nathan Perry, Sr., A. Gilbert and Timothy Doan, associate judges;

John Walworth, clerk; and Smith S. Baldwin, sheriff. At this time, Huron county, which was still unorganized, was attached to Cuyahoga county for judicial purposes. The first court was held at the newly erected store of Elias and Harvey Murray, just finished but unoccupied, standing where the former Atwater block stood, now the entrance to the viaduct. One indictment was presented for petit larceny, several for selling whiskey to Indians, and others for selling foreign goods without license.

The Court of Common Pleas for Cuyahoga county began a session June, 1810, when the population of Cleveland was only 57. Hon. Benjamin Ruggles was president of the court. The business of the term embraced the consideration of five civil suits and three criminal prosecutions. Thomas D. Webb is recorded as the attorney who filed the first *præcipe* for a summons, being the suit of Daniel Humason *against* William Austin—action, trespass on the case for eleven hundred white fish of the value of \$70, which came into the hands of the defendant by “finding,” but who refused to give them up on demand, and converted them to his own use. Alfred Kelley appeared for the defendant, denied the force and injury, &c., the plaintiff joined issue and “put himself on the country.” At the next term the defendant appeared by his attorney, “and the plaintiff being solemnly demanded to come into court and prosecute his suit, but came not. Whereupon the court considered that sd. Daniel take nothing by his bill, but that he be amerced, and that sd. William go without delay, and have execution for his costs and charges by him laid out about his defense, of \$9.55.”

Alfred Kelley appears in the second case on the docket on behalf of Ralph M. Pomeroy vs. James Leach. Suit on a note of hand dated October 27, 1808, “at Black Rock, to-wit, at Cleveland,” for \$80, and in another sum of \$150. This case was continued one term and then discontinued by settlement.

And now, in the third case, the famous old pioneer, Rodolphus Edwards, was chosen defendant in the suit of one John S. Reede. It was an appealed case from Justice Erasmus Miles’ court, by the plaintiff, the justice having decided that the plaintiff had no case against Edwards. The plaintiff failed to prosecute his appeal, and the old pioneer was decreed to “go” with judgment for his costs, \$8.54. R. B. Parkman was defendant’s attorney. The fourth case was an action of ejectment for a farm in Euclid, in which Alfred Kelley appeared for the heirs of Aaron Olmstead, of East Hartford, Conn., vs. Richard Fen, and James Lewis, the tenant. Samuel W. Phelps, attorney for defendants. After one continuance the case was settled.

The history of criminal jurisprudence opened at the November term, 1810, by the presentation by the grand jury of the first “true bill” of indictment, the State of Ohio against Daniel Miner. “Daniel,” as the jurors on their oath declare, “not having obtained such license or permit as the law directs to keep a tavern, or to sell, barter or

deliver, for money or other article of value, any wine, rum, brandy, whiskey, spirit or strong drink by less quantity than one quart, did, with intent to defraud the revenue of the county, on the 25th of October last past, sell, barter and deliver at Cleveland aforesaid, wine, rum, brandy, whiskey and spirits by less quantity than one quart to-wit, one gill of whiskey, for the sum of six cents in money, contrary to the statute &c." Being arraigned, he pleaded guilty, and "put himself upon the mercy of the court," whose mercy was not strained, but was shed upon him like the gentle dew from a fine of *twenty cents*. But Daniel was not yet out of the lion's den, for there was another prosecution against him, in which he was charged with like intent to defraud the county, not having first obtained a license to keep a ferry, did, on the same day, against the former offense, diverse men and horses, with force and arms, ferry over the Raccoon River, contrary to the statute and against the peace and dignity of the state. Daniel again pleaded guilty and once more craved the mercy of the court, but judicial mercy and grace had been exhausted in the former case. The heart of the court was hardened and a fine of \$5 was imposed, supplemented by a much larger bill of costs.

Another instance of the negligence of merchants, traders and other enterprising men, in the matter of observing statutory requirements, may be found in the first judicial record of the county, wherein Alfred Kelley appears for the first time as prosecuting attorney for the county to maintain an indictment against Ambrose Hecox, charged with selling "one-half yard of cotton cambric, six yards of Indian cotton cloth, one pound Hyson skin tea, without license, contrary to the statute law regulating ferries, taverns, stores, &c." The profits and capital involved in this harmless transaction were more than wiped out by a fine of one dollar, and six dollars and thirty cents costs. Some of these statutory misdemeanors were doubtless the result of ignorance of the law, as in the case of the cothe, where statutes were manufactured, was far away and Cleveland had no newspapers then, with correspondents at the state capital to warn the citizens of legislative enactments, nor were the printed laws distributed as in modern times. Besides, what generous merchant of the future city could hesitate for a moment to sell cambric enough for a handkerchief and a half pound of tea to one of the pioneer ladies of the village only just a little in advance of taking out a license?

The first jury empaneled for the trial of a civil suit was at the June term, 1817, in the case of Frederick Falley vs. Philo Taylor, for damages for selling eight barrels damaged by fire. Alfred Kelley, attorney for the plaintiff, and Samuel W. Phelps for the defense. The jurors were James Root, Robert Carr, Luther Dille, William Austin, Mason C. Christopher Gunn, James Jackson, Dyer Shuman, Simon Smith, Daniel Kelley, James Worden, John Brooks. Verdict, \$19.

At the same term Erastus Miles was prosecuted for selling liquor to "dis-

Indians." He pleaded guilty and like his predecessors implored the mercy of the court, which was shed upon him to the extent of \$5 for the benefit of the county—and costs.

During the early terms of court, prosecutions were largely for keeping tavern and selling liquor without license. Many such offenses were committed at Huron, while that part of the territory was attached to Cuyahoga county for judicial purposes.

Thomas McIlrath, of Euclid, was prosecuted in 1811 for violation of the license law for selling one quart of whiskey for three raccoon skins. He pleaded not guilty and put himself on the country, but the "country" said he was guilty. Exceptions were taken to the indictment, but were overruled and a fine of \$5 was imposed.

At a term of court during the exciting period incident to the war of 1812, John S. Reede and Banks Finch engaged in a personal encounter denominated a "fight and box at fisticuffs," for which they were indicted. How realistic but unscientific such affairs were in the primeval forests of northern Ohio in those early days, compared with the exercise of the manly art in modern times, may be inferred when we read that "the jurors upon their oaths present that John S. Reede, of Black River, and Banks Finch, of Huron township, in said county, on the first day of February, 1812, with force and arms, in the peace of God and the state, then and there being, did, then and there with each other agree, and in and upon each other did, then and there assault and with each other did then and there willfully fight and box at fisticuffs, and each other did then and there strike, kick, cuff, bite, bruise, wound and ill-treat, against the statute and the peace and dignity of the State of Ohio." Such disturbance of the peace of God and the state—such kicking and cuffing—such biting and bruising—such unscientific and unartistic work—above all, such violation of the Marquis of Queensbury Rules, called for exemplary punishment, and the sporting citizens of Black River and Huron were made to smart under a fine of three dollars each, and costs.

Amos Spafford, a pioneer citizen, who resurveyed the paper city and was elected a representative in 1809, subsequently moved to Huron, and was arrested and held to bail there for his appearance at the June term, 1812, at the suit of Elisha Alvord for \$100 house rent. At the March term, 1814, our late venerable and honored citizen, Levi Johnson, was plaintiff in action against William W. Williams, appealed by the defendant from a judgment of George Wallace, a justice of the peace, for enticing away an apprentice, (the defendant's son), bound to the plaintiff to learn the "art and mystery of the carpenter's trade," and to serve until he should become twenty-one years of age. But as soon as the young apprentice became sufficiently skilled in the profound mysteries and secrets of the art of building barns and board fences in the artistic style of that period, he was enticed away by his father, as the plaintiff alleged. Alfred Kelley appeared for the plaintiff and Peter Hitchcock for the defendant, but the case was

settled and the famous lawyers did not lock horns. Sometime thereafter the same Jus Wallace was charged with an assault on one Robert Bennet, "in the peace of God the state then and there being"—verdict, not guilty. But Cyrus Prentiss, being indicted for assaulting the same person, pleaded guilty and was fined \$3.

The record of four years, from May, 1810 to May, 1814, embraces one hundred and nine civil suits, the greater number being petitions for partition of lands, and generally of non-resident heirs, mostly living in Connecticut. During the troubled time incident to the war of 1812 and the surrender of Hull at Detroit, the courts were gotten—only seven cases were tried at the November term, five at the March term, 18 and four at the June term. There seem to have been no criminal prosecutions during the war period. The only lawyers who appear of record during the first four years comprise the names of Thomas D. Webb, Alfred Kelley, first settled and prosecuted attorney, Robert B. Parkman, Samuel W. Phelps, Peter Hitchcock, John S. Edwards and D. Redick.

At the October term, 1814, Elihu Spencer appeared for Henry Champion, of Connecticut, against Daniel Bronson, in an action on a note of hand. John S. Edwards was attorney for the defendant. The issues were submitted to a jury, who rendered a verdict for \$800, the largest at that time ever rendered in the county. At this same term of court, one Daniel Robertson, of Huron, was indicted, tried, and convicted of stealing four barrels of salt, of the value of \$20 each, with the barrels,—in the whole \$80—goods of one Abner Shirley, and was sentenced to be "taken to the public whipping post in Cleveland, and that he be whipped fifteen stripes on the naked back, and imprisoned in jail ten days and pay a fine of one hundred dollars."

A careful examination of the files discloses every paper in the proceeding except the mittimus and the sheriff's return of the execution of the sentence. Posterity therefore, left in the dark concerning the post and the fifteen stripes. There is no minute on the docket indicating that the sheriff made a return. Otherwise the record is full and complete. An inquiry of some of the few remaining old citizens, whose memory runs back at least to 1812, shows they have no knowledge upon the subject. In fact, no one personally knows or ever heard of such a public penal institution, or of such a judicial sentence. But for the judicial record, the ancient colonial institution would have had no "standing" in court. It does not seem to have developed into the dignity of a fascinating legend or the gravity of a classic myth. It is possible, however, that some forehanded individual, whose remote ancestors delighted in whipping-posts, who had made his fortune as a sutler in the then late war, erected a "post" somewhere near the log court house in the Public Square, and donated it to the public as elaborate and artistic drinking fountains are erected and donated in modern times.

benevolent millionaires, whom the public thanks and blesses, but never partakes of the beverage.

The Hon. George Tod was president of the court at the October term of 1815, when Calvin Pease, Elisha Whittlesey and Leonard Case for the first time appear as attorneys of record.

While the war fever rages the angry passions are aroused, and the unbridled tongues of individuals are wont to be glib—hence at the December term, 1812, the first civil suit for slander, *Reede vs. Benton*, was docketed. Hitchcock and Phelps were the lawyers. It was a triumph for the defendant. Then the atmosphere was clear of slanderous words for five years, and until in an evil hour in 1817, one Daniel O. Hoyt was invited to respond in damages to one Belinda Tod, for making, as she alleged, ungentlemanly and slanderous remarks of and concerning her. The defendant, however, took honorable measures to disabuse her mind of the supposed “wrong and injury,” and heal her wounded spirit, and she withdrew her suit and paid the costs, \$1.50. Indictments for assault were quite numerous for two or three years just prior to 1820, which were vigorously conducted by the official prosecutor, Kelley. For twenty years from the foundation of the city, marital relations seem to have been most affectionate and happy. It was not until 1816 that the discovery was made that marriage was a failure. Then it was for the first time in the history of the county that one Peleg Brown found his life miserable in the possession of his wife Anna. Happily, domestic differences were adjusted and the case dismissed; thus making, instead of marriage, the first divorce proceedings a “failure.”

Notwithstanding the outcome of this case, it nevertheless established an alarming precedent. It set the fashion for many unhappy households, and within a short time there were more than a dozen like proceedings entered on the court docket, all of which, however, came to naught, mostly by dismissal by the petitioning party. In a few instances there was a trial, but the allegations were “not proved.” In 1821 the petition of one Sophronia White against her husband Harvey was sustained, the prayer granted, with \$200 alimony, and the custody of their infant child, “two years old last spring.” From 1820 to 1835 there were some thirty divorce petitions filed, but decrees of separation were very few. The filing of the petition, bristling with serious charges against husband or wife, often had the effect of awakening the parties to a sense of their personal humiliation no less than their public shame, when they would mutually adjust their differences, renew their marital vows, dismiss the case, continue the partnership and carry on business as usual at the old stand.

Under the early judicial system, there was an annual session of the Supreme Court in the several counties, and the first session in Cuyahoga was in August, 1810, when

Wm. W. Irwin and Ethan A. Brown produced their commissions and organized court, appointing John Walworth their clerk. At this term, Alfred Kelley was admitted to practice in the supreme and county courts, being the first attorney in the county to take the oath to support the constitution. The county was pre-eminently honored by its first practicing lawyer. The first, and for ten years or more, the prosecuting attorney, the leading practitioner in the common law courts for a much longer period, tending with the increasing legal talent of the county and meeting in intellectual combat with distinguished lawyers of the state, he won as an able and honorable lawyer a valuable eminence. But his place in the history of the county and state, and in the memory of men, is that of a financier and a master mind in the execution of public enterprises. He was to the State of Ohio what his contemporary, Dewitt Clinton, was to New York, and what, in later times, DeLesseps was to the commercial world in the world-renowned enterprise at the isthmus of Suez.

There is a constant reminder of the memory of Judge Samuel Cowles, a part of the Mr. Kelley, in the stately mansion erected by him on Euclid avenue in 1833, now the Ursuline Convent, to which in later years have been added the beautiful crescent-fronted colonnades, not unlike St. Peter's at Rome. He was a graduate of Williams College, admitted to the bar of Hartford county, Connecticut, where he practiced some five years, when in 1820 he came to Cleveland. He was first a partner of Alfred Kelley, and afterwards with his late student, S. J. Andrews. John W. Allen was a student of Mr. Cowles in 1825. Mr. Cowles was appointed Judge of the Court of Common Pleas in 1837, and died in office in 1837.

In 1819, J. S. Couch was the presiding judge, and Reuben Wood first appeared as attorney in a case. For nearly fifty years, and down to within the memory of the present generation, the tall form and genial spirit of Reuben Wood was recognized and revered throughout the state, having in his long and useful life been publicly honored first, in 1825, as state senator, re-elected in 1827, elected presiding judge of the Judicial Circuit in 1830, and in 1833 elected a judge of the Supreme Court, re-elected in 1841; the last three years on the bench he was chief justice of the state. In 1841 he was elected governor of the state, and re-elected in 1851. He resigned the office of governor in 1853 upon his appointment of consul to Valparaiso, South America, also serving for a time as minister to Chili. He died in 1864.

In 1820, Calvin Pease was presiding judge, followed in 1821 by John McLean, afterwards a judge of the Supreme Court of the United States. In 1822, Judge Pease held the term, followed by Judge Burnet in 1823, when Woolsey Wells was admitted an attorney. Peter Hitchcock appeared as presiding judge for the first time in 1824. Wm. McConnell, Harvey Rice, John W. Allen and Sherlock J. Andrews were admitted to the bar in 1825.

to the bar at the same term in 1826; Mr. Andrews on a certificate from the full bench of judges of the Supreme Court at Columbus, which bore the signatures of Calvin Pease, Peter Hitchcock, J. Burnet and C. R. Sherman.

Of these three young and accomplished gentlemen, the venerable Harvey Rice, now (1889) in his eighty-ninth year, is the sole survivor. A scholarly gentleman, a graduate of Williams College, Massachusetts, he early formed a partnership with his friend and relative, Reuben Wood, and for some ten years was devoted to the business of the firm, it being the second legal partnership in the county (Kelley & Cowles was the first), and Kelley & Sterling the third, and until 1835, when he was appointed clerk of the county courts, holding the position for seven years. In 1830, he was elected a representative in the legislature, and in 1851 a state senator. He is recognized as the father of the common school law, which has given educational fame to the state, and which has been copied and adopted by several other states. He is likewise the author of several volumes of history, poetry, and many admirable monographs of general literature.

Mr. Allen early became a marked public man. He was imbued with the spirit of enterprise, and was a leading mind in the promotion of all the great railroad undertakings which had the city as an objective point, in the early days of the system that superseded the old stage lines. He was a member of Congress prior to 1840, mayor of the city in 1841, and postmaster of Cleveland in 1872. He died in 1887.

The professional life of Sherlock J. Andrews embraced fifty-four years; associated first with Samuel Cowles, then as Andrews, Foot & Hoyt. He was in active advocacy at the bar from the term of his admission to the year of his death (1880), hardly excepting a term in Congress from 1840, and the membership of two conventions to revise the constitution, 1849-1873, and only excepting the five years from 1848 to 1853, when he was judge of the Superior Court of Cleveland. Of all the eminent and honored members of the legal profession that have come and departed since the organization of the county, the memory of Judge Andrews is doubtless the most vivid among the members of the bar, even unto this day. Although nearly ten years have elapsed since his death, it seems but as yesterday, when with dignity and grace he stood before court or jury, delighting all around him by the logic of his argument, spiced with the aroma of his humor or made pungent with a few grains of healthy sarcasm.

John W. Willey first appears on the records of the court as an attorney in 1827. He was an eminent lawyer for many years, and his memory has been held in reverential regard for more than a generation. He was early a judge of the Circuit Court, and the first mayor of Cleveland, serving through the years 1836 and 1837.

In 1830, George Hoadly was admitted an attorney. Mr. Hoadly early became

and for many years was the favorite magistrate for the trial of civil suits. He was a gentleman truly "learned in the law." He possessed a choice legal library, was familiar with its contents, and could help a lawyer to a "precedent" at a moment's notice, often instantaneously, giving volume and page from memory. He was an impartial judge, an eminent citizen and an honorable man.

The year 1831 scored the accession to the bar of but one single attorney, in person of Austin C. Penfield. In the cholera year of 1832, Ebenezer Lane and J. C. Wright, supreme judges, held the term; but little business was transacted, and it was evidently not a healthy season for candidates for the bar, as none appear to have been admitted that year. But in 1833 things took a more cheerful and hopeful turn, Wm. R. Sapp and John A. Foot came to the bar. Soon thereafter the legal firm Andrews, Foot & Hoyt came into being, which continued some twenty years. Foot still survives (1889), having lived in peaceful and happy retirement for a full generation. His has been an honorable life, and he "has done the state some service."

Up to 1835, the Cuyahoga bar could not be deemed a multitude as in later years, but there were doubtless an abundant number of the legal profession to meet the necessities of a sparsely populated county and an infant city. This year the term of Supreme Court opened with Joshua Collet and Reuben Wood on the bench. Harlan Rice was appointed clerk, being also at the time clerk of the Common Pleas. The record of the court gives evidence of a remarkable legal revival, when many were "called" Ezra C. Seaman, Phillip Battell, Lucius Royce, Heman Burch, Geo. W. Lynde, Eli W. Bingham, Seth J. Hurd, Albert A. Bliss, S. W. Cockran, Elijah Bingham, J. Barr, Thomas Bolton and Hezekiah S. Hosmer. The next term Simeon Ford, I. Sterling, C. L. Russell, Orson St. John, H. M. Hanes and Alex. N. McGuffey were admitted within the legal fold.

George W. Lynde and George A. Benedict were the first masters in chancery, appointed in 1838.

Samuel Williamson came to the bar in 1833, was a partner with Leonard Case some three or four years and until he was elected county auditor, holding the office several years. Returning to practice, he subsequently formed a partnership with Albert Riddle, was prosecuting attorney for a term, and afterwards state senator. When Riddle was elected to Congress, in 1860, the partnership ceased, and during the remainder of his useful and honorable life he served as president of the Society for Saving Mr. Riddle was a brilliant advocate, and was also prosecuting attorney of the court for one or two terms. At the close of his congressional term he took up his residence in Washington, where he has often been retained as leading counsel for the government in important cases, both civil and criminal. He is, moreover, the author of several

umes illustrative of Western history, and many monographs and addresses of more than ordinary interest.

The ultimate fate of all the members of that large class of candidates and hopeful young gentlemen who, according to the harmless fiction of the English Inns of Court, were "called to the bar" in 1835, is not now conveniently ascertainable. Philip Battell, it is believed, settled at Middlebury, Vermont; George W. Lynde was a familiar figure at the bar here until his recent death at an advanced age; Flavel W. Bingham became the first judge of probate under the new constitution, and died in the service of the government during the civil war; John Barr remained here and was judge of the Police Court in 1854, and county clerk in 1855. Hezekiah S. Hosmer settled in Toledo, where he was a lawyer and editor of good repute for many years, besides being an author, and the first chief justice of Montana. Thomas Bolton formed a partnership with Moses Kelley, a grave and sedate gentleman and a learned chancery lawyer, and ultimately became a judge of the Court of Common Pleas, and Mr. Kelley was early elected to the legislature, and in 1866 was United States district attorney for the northern district of Ohio.

Samuel Starkweather was at the bar as early as 1828. He was collector of customs of the port of Cleveland under the administration of President Van Buren; was elected the first judge of the Court of Common Pleas for Cuyahoga county under the new constitution of 1851, for the term of five years. In 1856, he was elected for two years mayor of Cleveland. Judge Starkweather was distinguished for his admirable social qualities, no less than for his brilliant and graceful oratorical accomplishments, which won for him the friendly and appreciative *soubriquet* of "the silver-tongued."

Horace Foote came here from Connecticut about 1836, and established himself in the then Ohio City, where he resided for many years, and until some time after the union of the two cities, when he was elected judge of the Court of Common Pleas under the act of March 11, 1853, and made his new home on Euclid avenue. He held the judicial office for twenty years. He was a technical lawyer of great industry, wholly devoted to his profession, tenacious and persevering in the interest of his client. As a judge he had the confidence of the bar and the community for his legal learning, honesty and judicial impartiality, but was at times dreaded rather than loved by the younger members of the bar for his constitutional severity of manner.

Henry B. Payne, a graduate of Hamilton College, and a law student of John C. Spencer, of Canandaigua, New York, became a lawyer in Cleveland in 1834, and soon thereafter formed a partnership with his early friend, Hiram V. Willson, who had a little earlier settled at Painesville, but removed to Cleveland. Their professional association continued some twelve years, when Mr. Payne was necessitated to retire from practice on

account of failure of health, accompanied with hemorrhage of the lungs, the result constant and crushing mental and physical professional labor. It is reported of Mr. Payne that as a lawyer he was distinguished for quickness of perception, a seeming intuitive conception of the principles of the law involved, and a wonderful comprehension of all the surrounding circumstances and the testimony in the case on trial. He did not, however, trust alone to his own inherent powers, but was a close student and thoroughly prepared his cases. Being thus doubly armed, and gifted, moreover, with Gladstonian facility of speech, logic, humor, and an available reservoir of often useful sarcastic severity, he ranked high as an advocate, was always a desirable associate counsel, and a formidable opponent. He was a state senator in 1849, a representative in Congress in 1875, and a senator of the United States for six years from March 1885. The firm of Willson, Wade & Wade succeeded on the retirement of Mr. Payne and continued until 1854, when Edward Wade was elected to Congress, immediately following which Mr. Willson became judge of the United States District Court for the Northern District of Ohio.

Robert F. Paine and James Wade succeeded to the clientage of the two prior firms and continued until 1869, when Mr. Paine was elected to the Common Pleas bench. He had been a member of the legislature as early as 1844, and prosecuting attorney for Portage county in 1846. He came to Cleveland in 1848, and the following year was appointed clerk of the Court of Common Pleas, holding the office until the adoption of the new constitution of 1851. In 1861, Mr. Paine was appointed United States district attorney for the northern district of Ohio, holding the office four years. Judge Paine was no ordinary man. The hardships and vicissitudes of early life did not chill the genial currents of his soul. He was pleasant, humane and honorable, and won distinction alike at the bar and on the bench.

There is an incident in the judicial life of Judge Paine singularly remarkable, if not a prophetic foreshadowing of a coming event: Judge Paine's charge to the jury in the celebrated case of the State vs. Gallantine, for the shooting of Dr. Jones, in which a plea of insanity was set up to the indictment for murder. The charge having been published in full, it was commented on editorially and by the profession with approval, and among many complimentary and congratulatory notes received by the judge was one from James A. Garfield, February 6, 1871, in which are found the following significant words:

"The whole country owes you a debt of gratitude for brushing away the wicked absurdity which has lately been palmed off on the country as law, on the subject of insanity. If the thing had gone much further all that a man would need to secure immunity from murder would be to tear his hair and rave a little, and then kill his ma-

Just ten years later the thoughts above expressed were literally illustrated in the murder of President Garfield himself.

Thomas Bolton, a native of Cayuga county, New York, and a graduate of Harvard University, admitted in 1835, long a practitioner at the bar in partnership with Moses Kelley, a native of the same state and a graduate of the same university, was elected judge of the Court of Common Pleas in 1856, and by re-election served upon the bench for ten years. He had in early years served a term as prosecuting attorney, and his partner, Mr. Kelley, had been elected to the legislature.

Jesse P. Bishop was a native of Vermont, but graduated at the Western Reserve College at Hudson, a partner with Franklin T. Backus for fifteen years, and until 1856, when he was elected judge of the Court of Common Pleas, holding the office five years. Mr. Backus had been admitted to the bar from the office of Bolton & Kelley in 1839. He was a good lawyer and an honorable man. He was twice nominated for judge of the Supreme Court of the state, but in the unfortunate years of his party's defeat.

On the retirement of Mr. Bishop the firm of Ranney, Backus & Noble was constituted.

Samuel B. Prentiss came to Cleveland in 1840, and was the head of the legal firm of Prentiss, Prentiss & Newton for many years, and until 1862, when he was elected judge of the Court of Common Pleas, and by subsequent re-elections held the court for fifteen years. F. J. Prentiss became county clerk and John T. Newton removed to Toledo. Judge Prentiss was a technical lawyer of the old school of pleading and practice, but readily adapted himself to the new code of civil procedure, which took effect July 1, 1853. He was learned in the law, amiable upon the bench, and patient in spirit. His legal and judicial characteristics were suggestive of an inheritance from his eminent father, who was early famed as the most learned lawyer in Vermont, a senator of the United States, and for many years judge of the United States District Court of that state.

James M. Coffinberry came to Cleveland from Hancock county, where he had been some ten years in legal practice, in 1855. He had been for a term prosecuting attorney for Lucas county prior to 1845. In 1861 he was elected judge of the Court of Common Pleas of Cuyahoga County, and served the full term of five years to the public satisfaction. It is among the judicial legends that no decision of his has ever been reversed on review by higher courts. Judge Coffinberry's opportunity for judicial distinction culminated in his last year upon the bench, in his charge to the jury on the trial of Dr. Hughes for the murder of Tamzen Parsons, of Bedford, which took place December, 1865. It was publicly regarded as one of the ablest ever delivered in a capital case in the county.

Rufus P. Spalding, born on the island of Martha's Vineyard, graduated at Yale in

1817; a law student of the famous Chief Justice Zephania Swift, of Connecticut, had thirty years of eminence and distinction at the bar, in the legislature of which he was speaker, and as judge of the Supreme Court of the state, before he came to Cleveland in 1852, and formed a partnership with Richard C. Parsons. As a matter of course he became at once a leader at the bar. In 1862, at the age of sixty-two years, he was elected to Congress, where he served six years, in the troubled period of the rebellion and re-construction, with ability and public distinction. He had a marked individuality, which gave him prestige and made him a natural leader among the highest types of men in every position to which he was called. He had accomplishments other than legal, oratorical and judicial, being a terse and graceful writer; he had besides those qualities of mind and spirit which would have distinguished him among the diplomats of European courts. Members of the bar of the younger generation are doubtless hardly aware of that highly finished eulogy which he pronounced in January, 1847, before the two houses of the legislature, on the life and character of General Thomas Hamer, who died while attached to the army in Mexico; or of that later speech which awoke responsive echoes like the pibroch in the Highlands, when he was commissioned by our citizens to meet Kossuth over the border and welcome him to Ohio, when he assured the distinguished Hungarian patriot not only of sympathy and material aid, but declared that if men were needed in the patriots' cause—

“The rushes and the willow wand
Would bristle into axe and brand,
And every tuft of broom give life
To plaided warrior armed for strife.”

The law firm ceased during Judge Spalding's congressional service, and Mr. Parsons was elected to Congress in 1873. Mr. Parsons had very early been a member of the legislature and speaker of the House, United States Consul to Brazil, and marshal of the Supreme Court of the United States.

Personal allusions herein are of necessity mainly touching lawyers and judges pertaining to the early history of the bar and bench rather than to its later personality. Running, however, over the pages of judicial records, we find the name of one who was admitted to the bar in 1839, who has now for just fifty years stood before more courts and juries than any other member of the bar now in practice, and though still in harness is the sole survivor of all practitioners admitted before him. Two only of all that goodly company of legal patriarchs—the venerable octogenarians, Harvey Rice and John A. Foot—who were admitted before him, still live. He is the last primeval oak in the legal forest, the rest being second growth and saplings. He has survived the lightnings of many Summers and the blasts of many Winters, and is still erect and unimpaired, while all his early contemporaries have fallen. Samuel E. Adams has no prede-

cessor now in practice. He is the last in the line of practicing lawyers admitted prior to 1840. While he has rejoiced in many legal triumphs and sorrowed for his clients over occasional defeats, Time's effacing fingers have passed lightly over his cheerful countenance. His eye is not dimmed, nor his natural force abated, and as friend after friend departs in the course of nature, history, science, and philosophy become more and more his mental comforters and social companions.

Rufus P. Ranney had won distinction at the bar in several counties of the Reserve, had been a leading judicial mind in the constitutional convention of 1850, was once appointed judge of the Supreme Court to fill a vacancy, and once elected to the same high position, before he came to Cleveland, in 1856. In 1862, while associated with Backus & Noble, he declined the candidacy for the supreme bench, but was nevertheless placed on the ticket of his party and elected. He reluctantly obeyed the call, but only for a brief season, when he resigned and returned to professional life and its more generous rewards. Judge Ranney for many years has been regarded as the Nestor of the legal profession in the state. His legal and judicial status may, with propriety, be likened unto that of the late departed worthies of the law in sister states—Jeremiah Black, Charles O'Connor and Benjamin R. Curtiss.

Stevenson Burke has had an eminently successful professional life. Long a practitioner at the bar and a judge of the Court of Common Pleas in an adjoining county, to which office he was twice elected, first in 1861, and again in 1866, but resigning in 1869, he came to Cleveland and formed a partnership with F. T. Backus and E. J. Estep. Mr. Backus dying in 1870, the firm became Estep & Burke, and continued till 1875, when Judge Burke remained alone until the firm of Burke, Ingersoll & Sanders was constituted, which continued until 1887, when Mr. Sanders was appointed judge of the Court of Common Pleas, and the firm continued as Burke & Ingersoll. Judge Ingersoll had previously served on the same bench.

Judge Burke has ever been an earnest, energetic and devoted lawyer to the interest of his clients. Armed and equipped with all the law of his case, and possessed, moreover, of the happy faculty of presenting an argument to court or jury, he never darkened counsel with words without knowledge, but always made his legal propositions manifest and his utterances understood. Gigantic railroad enterprises of three decades have, in these later years, culminated in litigation involving millions, in which Judge Burke has participated with ability and success. He has often met in such conflicts legal talent of the highest order of many states, and it is said of him that he is never more happy in the trial of a cause than when he is called upon to cross swords with an array of foemen worthy of his steel. He is then an Ajax defying the lightning.

More than thirty years ago David K. Cartter came to Cleveland from the interior

of the state, where he had practiced law for several years and had been elected to Congress. A politician rather than a learned lawyer, deficient in culture, rough in personal exterior and professional manners, and often indelicate in his verbal expressions, yet he was far from being deficient in mental resources, and had his due share of influence with a jury. He was appointed, early in the administration of President Lincoln, judge of the Supreme Court of the District of Columbia, which office he held a quarter of a century and until his death in 1887.

From time to time, since the adoption of the new constitution, the legislature has provided for an increase of the judicial force of the county necessarily incident to its rapid growth in population and the augmentation of its commercial, manufacturing and business enterprises, especially in the last two decades, in which the county and city have advanced to their present magnificent proportions. The thermometer which marks the rise and progress of commercial and business centers is the judicial docket which indicates by figures the number of causes filed for adjudication. The highest and most important—the real legitimate business of the legal profession—is but the natural result and evidence of the advancement of an active and prosperous business community. Hence the necessity which has called to the bench of the Court of Common Pleas of the county, within the last two decades, an additional force equal to the present full complement of six judges.

In addition to the judges heretofore mentioned, the following named gentlemen have each in succession occupied the bench of the Court of Common Pleas for one or more judicial terms: Darius Cadwell, G. M. Barber, James M. Jones, J. H. McMath, E. T. Hamilton, S. E. Williamson, Henry McKinney, J. E. Ingersoll, E. J. Blandin, John W. Heisley, A. W. Lamson, C. M. Stone, C. W. Noble, W. B. Sanders, Geo. B. Solders. The following judges constitute the court for 1889: Stone, Hamilton, Noble, Lamson, Sanders and Solders.

A second experiment of a Superior Court of Cleveland was authorized by law in 1873, and was equipped with a force of three judges, who held the first session thereof in September of that year, and its last term in June, 1875, when the law was repealed, and the Court of Common Pleas was made administrator *de bonis non* of the unadjudicated cases.

The Cuyahoga bar never having imposed a prohibitory or even protective tariff on imported legal talent, but on the contrary having adopted intellectual free trade, not however with a view to cheapen domestic professional labor by foreign competition, but that the public might have the best the market afforded, the result has been eminently to the advantage of the people in the acquisition to the bar from time to time of improved blooded stock, and an excellent quality of professional wares. Among the

earlier invoices may be noted W. S. C. Otis, Judge Bliss, Judge Coffinberry, Judge Tyler, Judge Hord, Judge Cadwell, Judge McMath, John Hutchins, General Crowell, Judge Jackson, Judge Pennewell, Judge Dickey, Judge McKinney, Gen. Meyer; and more recently Judge Hale and Judge Boynton—the latter directly from the great fountain of legal wisdom and authority, the Supreme Court. Such immigration is generally indicative of sore legal famine in the effete cities and rural villages, and the dry and dusty deserts round about, when the elite of the land, the kadis, the emirs, the great sheiks of the law, strike their tents and flee to the delta of the Cuyahoga, the Goshen of abundance and good pasturage, to dwell therein, replenish their sacks, and sacrifice to the blind goddess of justice in the temple of Themis. A generous bar bids such strangers welcome, society extends to them its social graces, and a wealthy clientage contributes abundantly to their financial happiness.

FIRST SUPERIOR COURT.

The first Superior Court of Cleveland was created in 1848, of which Sherlock J. Andrews was elected judge, and George A. Benedict was appointed clerk thereof. It continued for the period of five years, but was dispensed with on the revision of the judiciary system under the new constitution.

THE PROBATE COURT.

The Probate Court came into existence under the new judicial system, probate of wills and settlement of estates having before appertained to the jurisdiction of the Court of Common Pleas. Flavel W. Bingham was the first judge elected, in 1852, for the term of three years. He was succeeded by Daniel R. Tilden, in 1855, who held the office by an unbroken succession of triennial elections for thirty-three years, when he was succeeded, in 1887, by Henry C. White, the present incumbent.

The long official life of Judge Tilden is the most remarkable on record, either in this or any other state. He was probably fifty years old when he came to Cleveland. He had been a prominent lawyer in Portage county; had held official position there, and had served in Congress as far back as when Abraham Lincoln was a member. On coming to Cuyahoga county, he became a partner with Robert F. Paine for a few years and until his election, in the Fall of 1854, to the position which to him proved substantially a life office, at least reaching far beyond that period of life when judges in many states are necessitated to retire by constitutional limitation, even while in the enjoyment of perfect physical and mental vigor. There being, however, no such constitutional block to the judicial wheel in Ohio, the people had free course and were glorified in perpetuating the official life of their favorite judge during a third of a century, and until the raven locks that once graced his ample brow were white as snow. Judicial adapta-

bility, official integrity, supplemented by genial personal qualities, constituted Judge Tilden's capital on which the people banked their estates and trusts for a full generation, while his contemporaries in other official positions were compelled to strike their official tents, often at the end of a single term.

The probate mantle of Judge Tilden has fallen upon worthy shoulders. Learned in the law; a student and historian; a man of ability and intense industry; with a judicial mind, rare fairness, and unquestioned honesty, Judge Henry C. White has already shown himself a model probate judge, whose learning is equaled by his good common sense.

THE CIRCUIT COURT.

The last change in the judiciary system of the state was made by act of April 14, 1884, when the District courts were abolished and the Circuit Court was substituted, Cuyahoga falling into the eighth of its divisions. Two drafts have been made upon the bar of the county for judges of that court, and the lot fell first to Charles C. Baldwin, and more recently the second to H. J. Caldwell. Sufficient time has not elapsed to enable the bar to thoroughly test the merits of the new system.

CUYAHOGA ON THE SUPREME BENCH.

Franklin J. Dickman, a native of Virginia, a graduate of Brown University, came to Cleveland about 1858. He was elected to the legislature in 1862. He became a partner of Judge Spalding, and received the appointment of United States district attorney for the northern district of Ohio. He served on the late Supreme Court commission, and was appointed judge of the Supreme Court to fill a vacancy, and is now serving upon the same bench by public election. He is the fourth supreme judge credited to Cuyahoga county in the history of the state—the order being Huntington, Wood, Ranney, Dickman. Mr. Dickman was renominated to his present position by the Republican state convention of Ohio, in the Summer of 1889.

THE UNITED STATES COURTS.

Prior to 1855 the Circuit and District courts of the United States for the State of Ohio were held at Columbus. The two cities on the extreme northern and southern borders of the state were the sources of nearly all the business appertaining to the jurisdiction of the federal courts. The vast commerce of the lakes furnished a large number of admiralty cases to be adjudicated therein, and an inland journey of more than a hundred and fifty miles for a hearing in such, alone was a costly burden, alike to procurors, captains, sailors, ships and cargoes. Therefore, lawyers in this part of the state took the subject in hand with such earnestness and energy that Congress, in 1854, notwithstanding great opposition from the central and southern part of the state through

their representatives, divided the country as equally as possible by county lines about the center of the state, and thus constituted the northern and southern districts.

Cleveland became the judicial seat of the northern district, and the government directly built a court-house, combining within its ample dimensions a post-office, custom-house, apartments for internal revenue and offices.

The first judge of the United States District Court for the northern district was Hiram V. Willson, appointed by President Pierce in March, 1855. Daniel O. Morton, of Toledo, was appointed United States district attorney, and Jabez W. Fitch, of Cleveland, United States marshal. At the first term of the court Frederick W. Green was appointed clerk of the court. Mr. Green had been a member of Congress from the Seneca district, and the efficient champion of the bill creating the new federal district. The full official equipment of the tribunal for business was in the appointment of the then alert and genial and now venerable Lewis Dibble as chief bailiff and crier of the court. General Henry H. Dodge and Bushnell White were the first United States commissioners.

Immediately following the organization of the court, the docket exhibited a multitude of libels in admiralty, patent cases, equity proceedings for foreclosure of mortgages, and every variety of action within the federal jurisdiction. The criminal docket was early plethoric with indictments against counterfeiters of the coin of the realm, of which in those days "the woods were full," and among whom were many expert and facile artists, some of whom when at liberty to enjoy social life, and not professionally engaged, were well known and saluted on the streets, dined at first-class hotels and leisurely picked their teeth on the door steps. The cases of the greatest public interest, and producing the most intense excitement in the community, grew out of alleged violations of the fugitive slave law. The most celebrated of such cases was known as the Oberlin-Wellington rescue case, in which the president and several professors and gentlemen of the faculty of Oberlin College, with others, were indicted, charged with the violation of that law in rescuing a fugitive slave, and who, declining to give bail, were, during their trial, hospitably entertained by Sheriff Wightman, at the county jail, as distinguished guests of the United States marshal. Eminent citizens visited the accomplished prisoners, or left their cards, and prominent ladies of the city comforted and cheered their wives and children, who were permitted within the walls of the castle, by daily visits, pleasant salutations, delicacies, sweet-meats and fragrant flowers. The Oberlin cases were followed soon after by the seizure, trial, and rendition of Lucy, an escaped slave girl from Virginia, the last slave ever returned under that obnoxious law—the civil war and the emancipation proclamation having put an end to the "peculiar institution," and many inhumanities to man incident to the cruel relation of master and slave.

During the excitement incident to the John Brown raid, and after the breaking out of the rebellion, Judge Willson defined the law in regard to conspiracy and treason, drawing, with nice distinction, the line between a meeting for the expression of opinions hostile to the government and a gathering for violently opposing or overthrowing a government.

Among many important civil cases was one, known in the legal history of the city as the "Bridge Case," in which the questions to be decided were: the legislative authority of the city to bridge a navigable river, and whether the bridge, if constructed, would be a nuisance, damaging the plaintiffs' private property. Judge Willson's decision, granting a preliminary injunction until further evidence could be taken, was an exhaustive review relating to the obstruction of navigable rivers.

Judge Willson died in 1866, and the assembled bar of the district rendered testimony to the integrity, ability and moral worth of the deceased—declaring him to have been "a learned, upright and fearless judge, ever doing right and equity among the suitors of his court, fearing only the errors and mistakes to which fallible human judgment is liable."

During the protracted illness of Judge Willson, and for some time after his death, Judge Withey, of the United States District Court of Michigan, presided, and until the advent of a new judge, in the person of Hon. Charles Sherman. He was a brother of Senator John Sherman and General Wm. T. Sherman, and resided in Mansfield until his appointment to the bench, when he became a resident of Cleveland. In 1873 he resigned, and was succeeded by Hon. Martin Welker, of Wooster.

Judge Welker was one of the first judges of the Court of Common Pleas elected by the people, under the new constitution of 1851. He was elected lieutenant governor on the ticket with Governor Chase, in the famous campaign of 1857. He was aid-de-camp to the governor, and judge-advocate general of the state during Dennison's term, and afterwards served with the three-month volunteers on the staff of General J. D. Cox. In 1862 he was assistant adjutant-general of the state, and superintended the Ohio drafts. He was elected to Congress in 1864, and twice re-elected. Judge Welker's judicial life has been eminently satisfactory to the bar and the public. Always pleasant and kindly in manner and spirit, professional duties in his court were made agreeable. He held his last term in May, 1889; having arrived at the age of seventy years, he retired under the compensatory provisions of the law.

Judge William R. Day, of Canton, succeeded to the judicial office. Judge Day is a graduate of Michigan University, and about forty years old, with a ripe legal experience, and a very successful practice in eastern Ohio. He is a son of the late Judge Luther Day, of the Supreme Court of Ohio. In 1886 he was, without opposition,

lected judge of the Court of Common Pleas of Stark-Carroll-Columbiana sub-division of the north judicial district.

But by reason of continued ill-health, without holding a term of the court, Judge Day resigned the judicial office, and immediately thereupon, in July, 1889, Captain A. J. Ricks was appointed United States district judge for northern Ohio. Judge Ricks was born in Massillon, Stark county, Ohio, in 1843. While attending Kenyon College he enlisted in the 104th Ohio infantry at the age of nineteen. He was offered the position of captain and aid-de-camp in 1864, but declined, and became war correspondent of the Cincinnati *Commercial*. After the war he studied law with Judge Baxter, at Knoxville, and became a member of Baxter's law firm. In 1870 he took editorial charge of the Knoxville *Daily Chronicle*. In 1875 he returned to his old home in Massillon, and while practicing law there Judge Baxter was appointed United States Circuit Court judge. The new judge appointed Captain Ricks clerk of the court, which office he filled until his elevation to the bench.

The legal learning and judicial qualities of Mr. Ricks' mind exemplified during his clerkship, as master commissioner and referee in numerous railroad and other important cases submitted to him for adjudication and adjustment, often involving millions of dollars, made manifest his peculiar qualifications for the bench, and prompted the most eminent of the profession in the district to urge his appointment as Judge Welker's successor.

Judge Martin Welker's official retirement from the bench of the United States Court was officially completed Wednesday morning, July 31, 1889, and his successor, Judge Augustus J. Ricks, was duly inducted into office by Judge E. S. Hammond. Promptly at 10 o'clock Judges Hammond, Welker and Ricks filed into the United States Court room, which was well filled with members of the city bench and bar. The oath of office was administered to Judge Ricks by Judge Hammond, who afterwards presented the Bible used in the ceremony to Mrs. Ricks. It contains the following endorsement on the fly leaf:—

On the 31st day of July, 1889, upon this Bible was administered the oath of office to Augustus J. Ricks as judge for the United States District Court for the northern district of Ohio, and we now present it with our compliments and congratulations to his good wife.

M. WELKER,
E. S. HAMMOND.

When the ceremony was completed, Judge Welker, in a short speech, asked that his successor receive the same courteous treatment from the bar which had ever been accorded to him. Judge Ricks read a telegram from Judge Jackson, who was in Wyoming Territory, consenting to the temporary appointment of Martin W. Sanders as clerk of the United States Court, and Mr. Sanders was at once sworn into office.

Messrs. Harvey D. Goulder, E. J. Estep and Judge J. M. Jones were appointed a committee on resolutions, and the court took a recess until 11 o'clock. At that hour, Mr. Goulder presented the following resolutions:—

WHEREAS, Hon. Martin Welker, late judge of the District Court of the United States for the northern district of Ohio, has voluntarily resigned his position, and to-day, by the qualification of his successor, absolutely severs his connection with the court and bar as such judge; and

WHEREAS, Under the circumstances, we, the members of the bar who have attended his court for years back, regard it proper to express our appreciation of his conduct as judge, his ability as a jurist, and his kindness and many good qualities,

Resolved, That we deem it a privilege to express our high appreciation of the valuable judicial services of Judge Welker; our sense of obligation to him, who at all times has been a courteous, upright and impartial judge; our great respect for his genial character and bearing, and for his ability, industry and integrity as a man and a judge during the fifteen years he has performed the arduous and responsible duties of the position.

Resolved, That it is with regret that we part with Judge Welker in his official capacity, and that he takes with him in his well-earned retirement the genuine respect and good wishes of every member of the bar.

Resolved, That we extend to Hon. Augustus J. Ricks, the successor to our retiring judge, a cordial welcome and our heartfelt good wishes, and promise to him our best endeavors to make his position easy and his life happy.

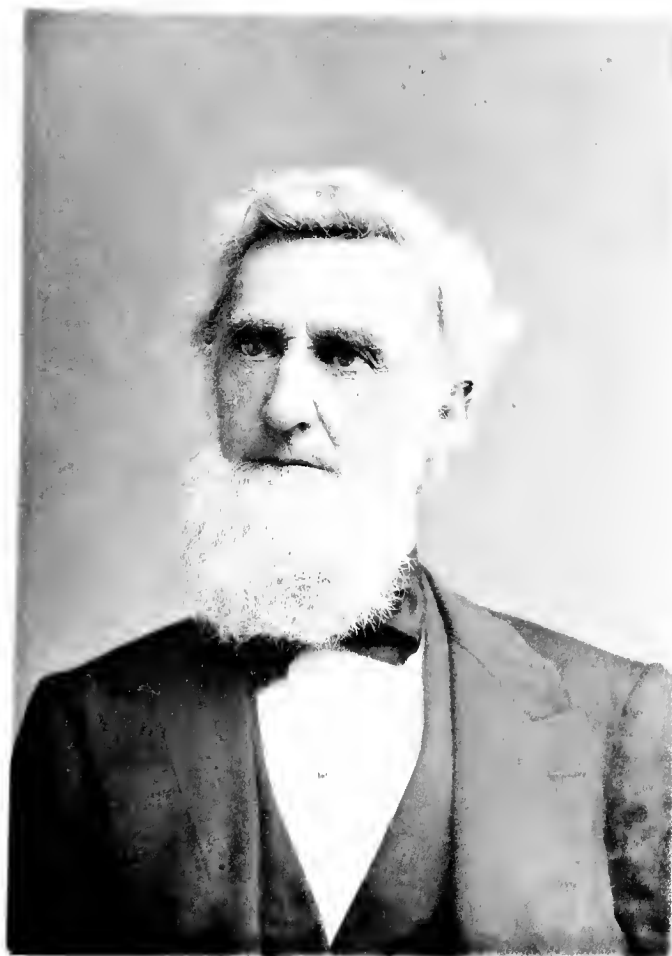
Resolved, That the court be requested to cause a copy of these resolutions to be entered upon the journals of the Circuit and District Courts, and that an engrossed copy be presented to the retiring judge.

HARVEY D. GOULDER,
JAMES M. JONES,
E. J. ESTEP,
Committee.

Mr. Goulder followed the reading of the resolutions with an address, in which he paid a high compliment to the retiring judge, and bespoke a brilliant future for his successor. Judge Burke, in seconding the resolutions, said:

“It gives me pleasure to endorse the kind things which have been said by the gentleman who has preceded me. It is a happy thing, I take it, to be allowed to retire from the bench with the unanimous commendation of the bar. We always think when in the heat of battle that the judge should be on our side, and we wonder that he is not, and this oftentimes stirs up one side or the other. I bespeak great things for the incoming judge, whom I shall expect to hold the scales so perfectly even that he will please all the lawyers. This is an age of progress and we expect the courts to grow better and better, instead of the reverse. I endorse the resolutions with great pleasure.”

Judges Ingersoll and Jones followed, and also Attorney Hoyt, and the resolutions were unanimously adopted. Judge Hammond, in a happy speech, referred to Judge Burke's remarks, saying: “The lawyer must be born over again who does not feel the



J. W. R.

disappointment of defeat when a case goes against him, and it will not be the second birth contemplated in the sacred book either." Judge Welker returned his thanks to the members of the bar in a fifteen-minute speech, and in closing said the pleasantest recollection of his life would be the cordial and courteous treatment he had received from the members of the Cleveland bar, which was the best in Ohio.

Judge Ricks spoke briefly of the generous support he had received from the local bar, and court adjourned till August 9.

Martin Welker Sanders, the newly appointed clerk, is a native of Wooster, O., where he was born in 1867. His childhood was spent in Washington, D. C., until the age of nine years, when he came to Cleveland, and where he has lived ever since and obtained his education in the public schools of the city. He was attending college when he was given a clerical position in the United States Courts in July, 1886. He was appointed United States commissioner August 20, 1887, and made deputy clerk October 24, 1888, in which capacity he served until appointed clerk of both Circuit and District Courts. He is a very competent public official, a gentleman of pleasant address, and doubtless the youngest clerk in like position in the United States.

In 1869, Congress, to relieve the judges of the Supreme Court from circuit duties theretofore incident to their respective offices, created nine Circuit Courts, with large original jurisdiction, with a like number of judges. Judge Baxter was appointed to the circuit embracing Tennessee, Kentucky, Ohio and Michigan, and held the judgeship until his death in 1885. He was born in North Carolina in 1820, and in early manhood was speaker of the House of Representatives and an elector on the Henry Clay ticket. Removing to Tennessee, he was elected a member of the constitutional convention of that state in 1870. As a lawyer he was eminent and recognized as the head of the bar in that state. He had the just credit of personal honor coupled with legal abilities of the first order. As a judge he won the high regard of the bar of his circuit for legal learning, quickness of perception and comprehension of intricate legal propositions, and a readiness in action often surprising. Moreover, he was impartial and fearless, irrespective of persons.

Judge Howell Edmunds Jackson was born at Paris, Tenn., in 1832. He received a classical education, graduating at West Tennessee College in 1848, and afterwards studying for two years at the University of Virginia; studied law under his kinsmen, Judges Totten and Brown; entered the Lebanon Law School in 1855, graduated the following year and commenced the practice of law at Jackson; removed to Memphis in 1859, and engaged in practice; served on the supreme bench by appointment on two occasions; returned to Jackson in 1876, and was elected to the state legislature in 1880; was elected to the United States Senate and took his seat March 4th, 1881. He was

appointed during his senatorial term judge of the United States Circuit Court, to succeed Judge Baxter, deceased. His pre-eminent judicial abilities are recognized throughout his wide circuit.

In 1853, Hon. Frederick W. Green was appointed clerk of the United States District Court at the first session thereof, and held the office thirteen years, when in 1866 he was superseded by Earl Bill, who held the same for twenty years. He died in office, and was succeeded by his son, Charles Bill, who held the office one year, when in 1887 he resigned.

Under the law establishing a system of United States Circuit Courts and the appointment of Judge Baxter to that bench in 1878, Captain A. J. Ricks was appointed clerk of the court, and upon the resignation of Mr. Bill in 1887 the district judge appointed Capt. Ricks clerk of that court, and thus the two courts were united in the person of one and the same clerk.

And now, after the lapse of more than eighty years, and the corduroy highways of the county have been succeeded by the canal, the turnpike and the stage coach; and they in turn have passed into a state of "inocuous desuetude" by the railroad and the electric street cars; and steamers plow the oceans and the lakes, and glide over the great rivers of the world; while the tallow candle of the olden time has been succeeded by gas and the electric light, and the telegraph and telephone have become the indispensable handmaids of commerce, Cuyahoga county has emerged from the forest and its few dozen pioneers, and Cleveland has advanced from its half dozen citizens and its *one* lawyer until the population of the county exceeds three hundred thousand, and the city holds within her gates a bar roll of three hundred members. From humble beginnings and small suits in 1810, Cuyahoga county now ranks high in intelligence, prosperity and wealth, and the business of her courts calls for the entering of judgments high up in the thousands and decrees in equity for many millions.

The Cleveland bar is not surpassed by that of any other city of like population for its many instances of profound legal learning and admirable forensic ability, supplemented and graced by those accomplishments which come of the learning of the schools, of history and literature, and keep pace with the progress of the world in the researches and developments of the sciences, and the best philosophical thought of modern times. The bench is inseparable from the bar, and must be considered at all times heretofore and now included herein.

THE CIRCUIT COURT.

The Circuit Court was established by the election of judges in the Fall of 1884; the sittings commencing February 9, 1885. This was in pursuance of a change of the constitution of the state, voted by the people not long before. The Circuit Court succeeded the District Court, which had been legislated out of existence. Hon. Wm. H. Upson, Hon. Chas. C. Baldwin, Hon. Geo. R. Haynes, who were elected for terms of two, four and six years each, formed the bench of the Sixth Judicial Circuit, which was composed of the counties named: Cuyahoga, Summit, Lorain, Huron, Medina, Erie, Sandusky, Ottawa and Lucas. The circuit was reorganized in 1888, and now comprises the counties only of Cuyahoga, Lorain, Summit and Medina. This reorganization placed Judge Haynes in another circuit, and Hon. Hugh J. Caldwell, of Cleveland, was elected in the Fall of 1887, and took his place on the bench in February, 1888, where he is now presiding judge, succeeding Judge Baldwin.

It is the work of the Circuit Court to review the action of the lower courts in such cases as are carried up on appeal or otherwise, and it is in session almost continually during the year in one of the counties embraced in the circuit. The work of this court and its value in preventing expensive litigation cannot be overestimated. The salary of a circuit judge, who is elected for a term of six years, is \$4,000 a year.

In Judges Baldwin and Caldwell, the Cleveland bar has two able and learned representatives upon this bench, who have shown by their record their fitness for any judicial responsibility to which they might be called.

THE SUPERIOR COURTS.

G. M. BARBER.

Under the ordinance of 1787, what now constitutes the State of Ohio was part of what was then called the "North-western Territory," or the "Territory North-west of the Ohio river."

Under that ordinance, only one court was provided for the entire territory, which consisted of three judges. The only qualification for the office required by the ordi-

nance was that they should reside in the district and be the owner of a free-hold in five hundred acres of land, while they exercised the duties of the office. Their commissions were to continue in force during good behavior.

On the adoption of the constitution and the admission of Ohio into the family of states, in 1802, two classes of courts were provided for—those established by the constitution, called Constitutional Courts, and such other courts as the legislature might, from time to time, establish. Of the first class were the Supreme Court, to consist of three judges, Courts of Common Pleas for each county, and justices of the peace. The legislature could determine what classes of cases should come within the jurisdiction of these several courts and the compensation of the judges, regulate their practice, and determine the times and places of holding their sessions, but could not abolish any of them or diminish the number of the judges.

The legislature could establish other courts, determine their jurisdiction, both territorial and the class of cases they might hear and determine. It was thought by the framers of the constitution that this power in the legislature was necessary, as it was impossible to anticipate the future commercial business of the state, and the extent of the judicial force that would be necessary to do its judicial work. Subsequent history has shown that this was a wise provision.

The first legislative court established in Ohio was the old Superior Court of Cincinnati, which was established by act of the legislature, passed and took effect March 15, 1838. It was designated in the act as the Superior Court of Cincinnati, although its jurisdiction extended throughout the whole of Hamilton county. It consisted of one judge only, to be appointed in the same manner, and hold his office the same length of time as the present judges of the Court of Common Pleas, and should receive a salary of twelve hundred dollars per year. Its jurisdiction was concurrent with the Court of Common Pleas of Hamilton county of all civil causes at common law and in chancery, wherein that court had original jurisdiction. It held four terms each year, beginning respectively on the first Mondays of January, April, July and October; and by special adjournment might hold such other terms as should be necessary for the dispatch of business. Judgments in that court had the same lien on the property of the debtor as judgments in the Court of Common Pleas. Appeals and proceedings in error from that court were heard and determined in the Supreme Court, which alone had jurisdiction to affirm, modify or reverse its judgments. Under the constitution of 1802 each court appointed its own clerk for the term of seven years, but before he could be appointed the applicant must procure a certificate, signed by a majority of the judges of the Supreme Court, that they "judge" him to be well qualified to execute the duties of the office of any court of the dignity of that for which he offered himself.

That court continued and filled an important position in the courts of the state until the constitution of 1851, the present constitution of Ohio, went into effect. By the terms of section 6, of the schedule of that constitution, it was provided that the Superior and Commercial Courts of Cincinnati, and the Superior Court of Cleveland, should continue until otherwise provided by law, but not longer than the second Monday in February, 1854. Under that provision the existence of that court was terminated.

In 1854, however, a new Superior Court was established in Cincinnati under the new constitution, which contained the same provisions in regard to legislative courts as the constitution of 1802. That court is still in existence. It now consists of three judges; has concurrent jurisdiction with the Court of Common Pleas of Hamilton county, within the city of Cincinnati, in most civil causes wherein the sum in dispute exceeds one hundred dollars. It has no jurisdiction in criminal cases or in divorce and alimony, or alimony alone. The judges hold their office for a term of five years, and are paid a salary of five thousand dollars per year, one-half of which is paid out of the state treasury, and the remainder by the city of Cincinnati.

From its organization up to May 10, 1878, the judgments, decrees and final orders of the judges, at special terms, were reviewable, and could be reversed, vacated or modified by the same court at general term, held by all three judges, but any two were a quorum to hold court or render a judgment. The decisions of the general term were reviewable only by the Supreme Court. On the 10th of May, 1878, 75 O. L., 139, the provision of statute authorizing the general term of that court was repealed, and the District Court of Hamilton county given the same jurisdiction to reverse, vacate or modify the final judgments and orders of that court that it has over the judgments and final orders of the Court of Common Pleas of Hamilton county.

All the sections of the act of May 10, 1878, except the eighth, which makes the above change in the jurisdiction in error to the Superior Court of Cincinnati, were held unconstitutional by the Supreme Court in "the matter of the assignment of judges to hold District Courts," 34 O. S., 431, but in another case, *Gibbons vs. The Catholic Institute of Cincinnati*, 34 O. S., 289, decided at the same term, the court held that the validity of section 8 is not affected by the fact that the remainder of the act is unconstitutional, that that section is separable from the remainder of the act, and sustained the jurisdiction of the District Court. That jurisdiction remained in the District Court until February 7, 1885, when, by act of the legislature, 82 O. L., 23, section 8 of the act of May 10, 1878, was repealed, and the jurisdiction of the general term restored to the Superior Court.

The Superior Court of Hamilton county is an important factor in the judicial business

of Cincinnati and Hamilton county, and transacts a large proportion of the most important judicial work of the city of Cincinnati and gives general satisfaction. It has no jurisdiction outside of Hamilton county.

The Commercial Court of Cincinnati and Hamilton county, established by the legislature of Ohio, February 4, 1848, belonged to the same class of courts as the Superior Court. It consisted of one judge, elected by the general assembly, on joint ballot. No other qualification for the office was required by the act creating the court than that he should reside in the city of Cincinnati during his term of office. His salary was one thousand dollars per year, and his court was required to be held at the courthouse in Cincinnati, or such other convenient place as the commissioners of Hamilton county should provide. Its territorial jurisdiction extended throughout Hamilton county, and its jurisdiction of causes was concurrent with the Court of Common Pleas, of all civil causes at law founded upon matter of contract, whether in writing or by parol, express or implied, and of all causes in chancery. It possessed the power to preserve order, punish contempts and regulate its practice; also to prescribe the force and effect of its judgments, orders and decrees, and to authorize and direct their execution.

This court terminated its existence under the provisions of the constitution of 1851.

Superior Courts have been established in Montgomery county in 1856, in Franklin county in 1857, and Greene county in 1871. The Superior Court of Franklin county was abolished March 25, 1865, and that of Greene county on May 1, 1875. The Superior Court of Montgomery county was abolished March 19, 1885. The business undisposed of at the time they ceased to exist was transferred to the Court of Common Pleas of their respective counties. There is now only the Superior Court of Cincinnati, which has had a continued existence from 1838, except a brief period when the new constitution went into effect.

The first Superior Court of Cleveland was established in 1847, under the title of the Superior Court of Cleveland. It consisted of one judge, who was elected in the same manner as the present judges of the Courts of Common Pleas. His salary was one thousand dollars, payable out of the state treasury. Its jurisdiction was concurrent with the Court of Common Pleas at common law and in chancery in all cases in which that court had original jurisdiction, with the same authority and power for the complete exercise of its jurisdiction and enforcement of its judgments and decrees as was given to the Court of Common Pleas. The proceedings, judgments, orders and decrees of that court were reviewable by the Supreme Court, by appeal, and in proceedings in error.

Hon. Sherlock J. Andrews was the first and only judge of that court. No man

better fitted for the position ever presided over a court in Cuyahoga county, and no more scholarly or genial gentleman ever graced either the bar or the bench. He represented the county one term in Congress, and was a member of the convention which framed the present constitution in 1850, and thirty years later he was again elected, and served as a member of the constitutional convention of 1880. Judge Andrews did as much in his life-time to elevate the character of the Cleveland bar and bench as any man who ever sat at the trial table, or wore the judicial ermine. He was a man of unsurpassed conversational powers and rare wit, which rendered him always agreeable and interesting. In his opinions he could carry conviction to an unsuccessful litigant that he ought to be defeated, and to accept the result as the only just decision that could be given. His legal opinions have ever been held in high esteem, being distinguished for clear conceptions of the principles of the law in their varied application to practical life, and he evinced rare ability to judge of the probable verdict of a jury in mixed questions of law and fact. The Superior Court, over which he presided, went out of existence when the new constitution went into effect, and its abolishment was due more to his own belief that the judicial system provided by that constitution would furnish sufficient facilities for practice and better serve the cause of the administration of justice by only one system of courts, and a uniform practice, than by two classes of courts.

The second Superior Court of Cleveland: During the war, from 1861 to 1865, the business of the courts of Cuyahoga county declined, in common with all classes of business not connected with military operations or furnishing supplies to the armies; all judicial matters connected with military matters of any importance were carried into the United States Courts, and the legislature of the state exempted all the property, personal and real, of persons enlisted in the United States military service from seizure and sale under any execution or order of sale on any judgment or decree against them, and extended the same exemption to their sureties, while they remained in the service and two months thereafter; all of which tended to diminish the amount of judicial work required of the state courts. After the war, and when the commercial and other enterprises of the country began to recuperate, the business of the courts increased until the judicial force then in office was entirely inadequate to the increased demand upon them, while during the war they had been more than sufficient.

During the war there were but two judges of the Court of Common Pleas, and to meet this increased demand, by act of the legislature, passed February 24, 1869, one additional judge was provided for, which place was filled by Hon. R. F. Paine until the expiration of his term of office, in February, 1874. From that time—1869—forward the results of the war gave unparalleled activity to every department of human

industry, and the business of the courts increased until the Court of Common Pleas, with its additional judge, was wholly inadequate to the demands upon it, and at the close of the Fall term of the Common Pleas and the beginning of the January term, of 1873, it was thought by many of the leading members of the bar that a city court, organized substantially on the plan of the Superior Court of Cincinnati, which had been regarded as eminently successful in Hamilton county, having concurrent jurisdiction with the Court of Common Pleas of civil business only within the city of Cleveland, to be composed of three judges, would do the principal part of the city civil business, and leave to the Common Pleas, in addition to the criminal and miscellaneous business, the civil business outside of the city and such of the civil business in the city as litigants might choose to bring in that court; that such a court would be much more effective and satisfactory than if the judges were required to devote their studies and energies to all classes of judicial work, and that the business of the court would not be constantly embarrassed by the multitude of insignificant cases that always occupy a large share of the time of all the courts of general *nisi prius* jurisdiction. At the close of the Fall term of the Common Pleas Court there was upon its docket undisposed of business sufficient to occupy the three judges of that court more than three years, so that to be limited to that court for the trial of cases was substantially a denial of justice to litigants, and the ratio of new business was constantly increasing. It was thought by this division of business between the two courts the work could be more promptly done and the pressure on the Court of Common Pleas relieved. Accordingly, on the 5th of May, 1873, an act was passed by the legislature establishing a court to be known as the Superior Court of Cleveland, to consist of three judges, who should hold their offices for five years, and should have jurisdiction of civil cases only, in the city of Cleveland, concurrent with the Court of Common Pleas of Cuyahoga county, and should not have jurisdiction in any criminal or bastardy cases, nor in applications for divorce and alimony, or alimony alone, nor of applications for the benefit of the insolvent laws, nor of appeals or error from justices of the peace, Police or Probate Court, nor to appropriate land or assessment of damages in behalf of municipal or other corporations. At the same time, and as part of the same act, in the belief that with the Superior Court, the Court of Common Pleas, with two judges, would be sufficient for the judicial work of the county, the act authorizing an additional judge of the Court of Common Pleas, passed February 24, 1869, was repealed, thus leaving only two judges of that court. The term of office of the judges of the Superior Court was to commence and their commissions dated from July 2, 1873. Their compensation was fixed at not less than forty-five hundred dollars per year, twenty-five hundred of which was to be paid out of the state treasury, and they should be paid by the city of Cleveland such

further sums as the council should determine, not less than two thousand dollars per year.

The bill for the establishment of the Superior Court was introduced into the House of Representatives by Hon. W. C. McFarland, then a member from Cuyahoga county, and it provided for a court with jurisdiction in civil cases over the entire county of Cuyahoga. It met with opposition by members of the House outside of Cuyahoga county, on the ground that if it applied to the whole county it would be taken as a precedent, and many other counties, needing better facilities for judicial business, would make application for County Superior Courts, and thus interfere too much with the judicial system established by the constitution. It was amended to meet this objection by making it purely a city court, and in its amended form it passed with little, if any, opposition. It was supported unanimously by all the Cuyahoga county members of both the House and Senate.

The theory of its projectors was that the bulk of the business which needed better court facilities came from the city, that the business of the county outside the city, the criminal business, appeals and proceedings in error from justices of the peace, Police and Probate Court, and other miscellaneous business, could be easily disposed of with less judicial force in the Court of Common Pleas; and to equalize the burden of the expense the city was required to pay not less than two thousand dollars per year of the salary of each judge, as well as its proportionate share of the remaining twenty-five hundred, and also its share of the salaries of the judges of the Court of Common Pleas.

The first judges were to be elected on the second Tuesday in June, at a special election held for that purpose. All subsequent judges were to be elected at the regular state elections in October. The clerk of the Court of Common Pleas was made ex-officio clerk of the Superior Court, and fifteen hundred dollars per year was allowed him in compensation for the additional services required of him. The judges were each required to hold regular monthly sessions, commencing on the first Monday of each month, except July and August, and a general term might be held by any two of the judges to review and affirm, modify or reverse the judgments, decrees, and final orders of the several judges at their regular terms, and the errors of the court at general term could be corrected and cases affirmed, or reversed by the Supreme Court on proceedings in error. At a subsequent period, the jurisdiction of the general term was transferred to the District Court of Cuyahoga county, but before this amendment went into practical effect the Superior Court enactment was repealed, the court abolished, and its business remaining undisposed of, transferred to the Court of Common Pleas, and four additional judges added to that court.

At the special election held on the second Tuesday in June, 1873, two tickets were

presented, one by a people's convention, called irrespective of party, and the other by a regularly called Democratic convention. The former convention presented the names of Seneca O. Griswold, James M. Jones and Gershom M. Barber, and the latter the names of Hon. Horace Foote, whose term of office as judge of the Court of Common Pleas had expired, and Darius Cadwell, elected to succeed him the February preceding, and Hon. J. D. Cleveland and J. M. Jones. The former ticket was elected and the candidates named became judges of the Superior Court, and their commissions dated from July 2, 1873. They organized the court and commenced business on the 9th of July, and thenceforward applied themselves with energy and zeal to the performance of their duties.

It is proper here to say that the two remaining judges of the Court of Common Pleas, Hon. Horace Foote and Hon. Samuel B. Prentiss, were men of large experience, of high reputation throughout the state for learning and ability as lawyers and jurists, and gave eminent satisfaction in their official position, and whose reputation will always stand among the foremost jurists of the age. The Hon. R. F. Paine, whose term of service as a judge ended with his first term, was an experienced lawyer, and made a good record as a judge.

The expectation that the two courts would be able to do the judicial work of the county, as then organized, was not realized. The business of the country, which had enjoyed an unheard-of prosperity, met with a sudden and unlooked-for check. On the 18th of September, 1873, the most extraordinary financial panic which the country had ever experienced began. Failures of manufacturing and commercial establishments took place in every part of the country. Laborers all over the country were thrown out of employment, and what had never before been experienced in Cleveland, the savings banks substantially closed their doors, and even the bonds of the city sold at ruinous discount. The result upon the work of the courts was soon apparent, and in less than two years both courts were overcrowded with business, and immediate relief was required. On the 25th of March, 1875, an act was passed by the legislature entitled "an act to facilitate the administration of justice in Cuyahoga county," by which the Superior Court was abolished, to take effect on the 1st day of July following, and its business transferred to the Court of Common Pleas, and by the same act four additional judges were added to the Court of Common Pleas, to be elected at the regular state election in October of that year. At that election two of the judges of the Superior Court, Hon. James M. Jones and Hon. G. M. Barber, were elected to seats on the bench of the Court of Common Pleas, both of whom served two successive terms in that court, and are now in active practice. Judge Seneca O. Griswold, on the termination of the Superior Court, returned to practice, and, until his health failed, was recognized as one of the ablest members of the Cuyahoga county bar.

The Superior Court was in existence from July 2, 1873, to July 1, 1875—just twenty-four months, and during that period there were commenced in that court exactly twenty-five hundred and five cases, and these cases, the record shows, embraced the largest part of the most important judicial business of the city. In the Court of Common Pleas, for the same period, omitting the last month of the existence of the Superior Court, there were commenced an average of eighty-five cases per month, and these embraced errors and appeals from justices of the peace, errors from the Probate and Police Courts, and all other miscellaneous business of which the Superior Court had no jurisdiction. The Superior Court was in almost continuous session until its termination, and finally disposed of over two thousand cases, so that it may be fairly said that it fulfilled, in the largest measure, all that its projectors and most sanguine friends expected from it. From the latter part of 1873 the legal business of the city and county increased very greatly in consequence of the financial panic, which disturbed and paralyzed every department of business.

This was the situation when the “act to facilitate the administration of justice in Cuyahoga county” was passed, and the Superior Court abolished and four additional judges added to the Court of Common Pleas, making six judges in that court.

Additional judges were necessary at that time in the Court of Common Pleas, and if one additional judge had been added to that court, and the Superior Court continued, as much, if not more, work could have been done in the two courts than could or has been done by the six judges of the Common Pleas, and at no greater cost. The sheriff and his deputies served all the writs and processes of both courts, and the clerk and his deputies kept their records. If the work of the Superior Court accumulated, the remedy was easy—a limit of its jurisdiction as to amount for which cases could be brought in that court, and if thereby the work of the Common Pleas accumulated, additional judges could be added to meet the increased demand, as has been done in Cincinnati. The Superior Court would then have been, as its projectors and friends intended it to be, a court in which the important civil business of the city could be expeditiously transacted by judges devoted exclusively to that class of judicial work, untrammelled by the multitude of miscellaneous and petty business which always finds its way into the Court of Common Pleas.

Without disparagement to the Court of Common Pleas, it is fair to say the Superior Court, during the period of its existence, amply fulfilled its mission.

It may be said of Superior Courts, as a part of our judicial system, that as auxiliary to the Courts of Common Pleas, they fill an important place, and the provision of the constitution authorizing their creation by the legislature, and placing them entirely under its control, is a wise provision, by which, when the judicial work

is greatly increased in any part of the state, it may be promptly relieved without interfering in any way with the regularly constituted courts. This, as a rule, is applicable only to counties containing large cities, as has so far been shown by experience, not only in Ohio, but in other states, all the Superior Courts of Ohio, except in Cincinnati, having been abolished after a short career. In most of the larger cities of the United States Superior Courts are important factors in their judicial work. The judges of the Superior Court of Cincinnati have ranked among the foremost jurists of this or any other state, and their decisions are considered as authoritative as those of any court not a court of last resort in the United States.

THE BANKRUPTCY COURTS.

HELEN E. WATTERSON.

In 1840 the second bankrupt act was enacted by Congress, the first one having been passed in 1800 and repealed in 1803. The duration of the second was scarcely longer, for early in 1843 it was declared manifestly to the benefit of the debtor and against the creditor and repealed. In 1867 a third bankrupt law was passed and Myron R. Keith, Esq., was appointed register for the Northern District of Ohio. This office he held continuously until the repeal of the law in 1878 rendered the position a sinecure. In actuality, Mr. Keith may be said to hold the office still, for when the register tendered his resignation in view of the repeal of the bankrupt act, there was some amusing discussion as to who was the proper person to refer the resignation to, the judge of the District Court declaring that the resignation came within the jurisdiction of the chief-justice of the United States alone, and the chief-justice laughingly referring the matter back to the district judge. In the discussion, the resignation was lost sight of and was never legally received by any authority.

During the continuance of this office, Mr. Keith had the settlement of the estates of nearly or quite one thousand individuals, about half of whom had assets, aggregating in all considerably over a million of dollars; of these one thousand cases, all money assigned has been distributed and all cases have been settled, with one exception. The Kelley Island Lime Company, which assigned in 1878, was in the hands of Mr. Henry N. Johnson, as assignee. After a satisfactory settlement in the bankruptcy courts, the existence of more assets was discovered by some of the creditors, and, although the

bankruptcy law had then gone out of existence, the court was petitioned to re-refer it. Suit was begun in 1885, and is still pending.

For the settlement of the cases that came within the jurisdiction of this court, the assignees of eight hundred, or thereabouts, were appointed by the register, and in every case the appointment gave full satisfaction. "There was no monopoly of assignees," says Mr. Keith, in speaking of the matter; "of course, the same man was often re-appointed to act as assignee, but there were over three hundred men appointed in the entire number of cases, and among them all I never had an assignee who was a defaulter, or one who failed to perform his duties satisfactorily to all concerned." Comparison with other courts of bankruptcy shows this to have been an unusual record.

Several cases involving the handling of large amounts of money have come within the jurisdiction of this court, the best known of which probably were the assignment of Bousefield & Poole, the match manufacturers; of R. A. De Forest, the dry goods merchant, and of the Cleveland Insurance Company.

A most romantic case was that known as the Hester case, in 1878. This is hardly the place to relate it in detail, but were it allowable to do so, it would be found to contain every element of the most exciting romance—love, theft, murder, imprisonment, a tragic death, loss of property, retribution—nothing is lacking. It was in the prosecution of this case that Mr. Keith took a night ride of twelve miles in mid-winter, lying on the straw in a roughly made sled, with the man who afterwards became chief-justice of the United States, Morrison R. Waite, then attorney for one party in the suit.

THE MUNICIPAL COURT.

C. W. HEATON.

Although the present municipal court building is an ancient appearing and dilapidated structure, and is about to give way to a more modern and improved style of architecture, as well as other needed reforms in the matter of quartering prisoners and arraigning them for trial, it is even now quite metropolitan as compared with the first court held in Cleveland.

Strictly speaking, the present Police Court is not the growth of the first administration of justice held in this neck o' woods, but being one of its fruits, we may consistently "begin at the beginning," in order to properly reach the present system of

municipal government. The first court was held, as has been stated in another chapter, in the store of Elias and Harvey Murray, on Superior street, between Bank and Water streets, (where all the stores of that date were located) and was organized by the appointment of Hon. Benjamin Ruggles as judge.

Alfred Kelley was the first lawyer to conduct any legal practice in Cleveland, but it does not appear that he was present at the organization of this court.

It was an interesting attempt to modernize the old English customs, but many traces of the ancient practices were discernible, most conspicuous of which was the queue of the old school, in which Judge Ruggles appeared in this and many other instances in court. Imagine how such a scene would be relished at this day.

Besides this court there were two justices of the peace, but their business was very limited; in fact about all the principal law business of those days consisted of the prosecution of persons charged with selling whisky to the Indians. Business continued in this crude state until May 8th, 1836, when Cleveland had reached the dignity of a city, having at that time something over five thousand inhabitants. On that day a new *régime* was inaugurated. A city charter went into operation, a mayor was elected, and other city officers chosen. The mayor was empowered with the enforcement of city ordinances and cases of minor misdemeanors, while the criminal prosecutions were conducted by the justices of the peace and county courts. In this way matters progressed until the year 1852, when city cases of a criminal or insubordinate nature had so increased that a separate system of dealing with them became necessary, and with the organization of this branch of the city government was transferred to it the adjudication of all criminal cases, the prosecution of violations of the city ordinances, and the preliminary examination of many charges of greater importance.

By an act of the legislature, during the Winter of 1852-3, the Police Court of Cleveland was created and the city government entirely reorganized. The election of officers provided for by the new law took place on the first Monday of April, 1853, and resulted in the election of John Barr, the Whig candidate, for judge, by 296 majority, over Edward Hessenmueller, the Democratic nominee; Bushnell White for prosecuting attorney, also a Whig, by 72 majority; O. J. Hodge for police clerk, as a Democrat, by 668 majority; and Michael Gallagher, a Democrat, for city marshal, then a Police Court officer, by 76 majority.

It was a novel spectacle which was presented on April 17th, 1853, when the first Police Court was organized. In a little back room in the Gaylord block, over the store now occupied by J. F. Kilfoyl as a gents' furnishing establishment, on Superior street, between Seneca and the Square, Judge Barr took his seat behind a little, low desk, and rapped for order. At his right, at another desk, sat the clerk, Mr. Hodge; while a

little square table in front of the judge held the books and papers of the prosecutor. In a stern voice, Judge Barr announced the formation of the municipal court and its legally elected officers. (Capt. M. B. Gary now occupies, as a law office, the very room, or most of it, where this scene took place, there having been a slight remodeling of the upper floor of the building a few years ago.)

On the first page of the court journal, following the index, is an entry in the handwriting of Mr. Hodge, which reads: "The State of Ohio, city of Cleveland, S. A. ; the Police Court of the city of Cleveland commenced and held in said city on the 17th day of April, Anno Domini 1853, agreeable to the laws of the State of Ohio.

"Present, his honor, John Barr, judge of the Police Court, C. C. ; B. White, Esq., prosecuting attorney of said city ; M. Gallagher, marshal of said city. Attest, O. J. Hodge, clerk Police Court, C. C."

Then follows the records of the court proceedings, on the first page of which appears the business of the first day, which comprised four cases, as follows:

The City of Cleveland *vs.* Morris Dietz, John Mayberry, William Whelhellams, E. A. Fillibine, and William H. Morris; charged with "getting up a false alarm of fire, disturbing the peace, etc. Arrested on view by Edward Ball and Henry Keller, watchmen; trial had and the defendants adjudged a fine of five dollars each and costs, \$6.22, except John Mayberry, who was discharged."

The second case was that of Thomas Stanfield, charged with drunkenness and disorderly conduct, arrested by William Ball, watchman; trial had, and defendant adjudged a fine of five dollars and costs, \$2.25.

The Kaiser Wilhelm was well represented in the next case, three of his subjects being arraigned on the charge of having offended against the dignity of the new American law, by "fighting and disorderly conduct;" arrested on affidavits of Henry Keller; trial had, and Peter Fuer adjudged a fine of five dollars and costs, \$2.25, the other defendants being discharged.

The day's session closed with the trial of Michael Keller, Patrick Regan, John Murphy, and Patrick Murphy, charged with "fighting and disturbing the peace;" arrested on affidavit of Edward Ball, by William Ball, Henry Keller, and Joseph Tomkins, watchmen; trial had, and adjudged a fine of three dollars each, with costs, \$2.25.

Many curious cases follow during the succeeding days of this new branch of the city government, such as "immoderate driving in the streets," "selling unwholesome meat," "gross indecency," "abusing his wife," "drunkenness and lewd behavior," "soliciting guests drunk," "forestalling market," "fast driving," "kicking little girl," "abusing watchman," "breach of the peace by disturbing a ball at Kelley's hall," etc.

In this connection a good story may be told of Caleb Hunt, a photographer, who

was brought before the new court within a few days after its organization. Mr. Hunt had a "daguerreotype gallery" in the upper part of the building where Steinfeld's clothing store is now, to which there was a sky-light, of course. Through this sky-light was the only means of access to the roof. In those days wild pigeons were wont to fly over the city in great numbers, and it was a strong temptation to every one who could shoot a gun to indulge in that pleasant pastime, not only in the fields outside the city, but within the city limits as well, notwithstanding the strict ordinance against it.

The birds often flew quite low, and within easy range, which made the temptation to "let 'er go" all the more pressing. Mr. Hunt was considerable of a sportsman, and he could not resist the apparent invitation of the birds to come up on the roof and blaze away. He was out on the roof shooting one day, with splendid success, the dead birds falling directly on the roof, where they could be easily gathered up, when the city marshal, hearing the sound of a gun, went up to ascertain its meaning. He got as far as the sky-light, but Mr. Hunt had taken the precaution to bar it from the outside, so that industrious official got no further than the perch upon which his game roosted. He waited a little while for Mr. Hunt to "come down from the tree," but that astute gentleman knew his business better than the marshal did, strange as that may seem, and declined to come down and be "run in." The marshal concluded not to wait till he did, but to watch for him on the street and catch his man unawares. This he did in the afternoon of the same day, and took his prisoner into court to plead. Mr. Hunt stated to the court that he did not have time just then to wait for trial, because he had to take somebody's picture, but would come in the next day and confess. He acknowledged having shot the birds, but was in a hurry to get back to his business, and would attend to it to-morrow. By morning Mr. Hunt decided not to plead guilty, but to stand trial, arguing that as nobody had *seen* him do the shooting it would be a difficult matter to prove. Accordingly when he went into Police Court the next day, and the judge told him how much his fine would be, Mr. Hunt looked innocently at him with the remark, "fine for what?"

"Didn't you plead guilty to shooting fire-arms within the city limits yesterday?" asked the judge.

"No, sir, I want to plead not guilty to the charge."

"But didn't you acknowledge having done the shooting?"

"Oh, yes; but what of that; I will bring witnesses in to the trial who will swear that they wouldn't believe anything I say."

Mr. Hunt was assessed one dollar to keep up the credit and dignity of the court, but the clerk was instructed not to mind about collecting it.

While the new court was being held in the little room on Superior street, and before

it was created, a new station house had been begun on Johnson street, near Water, and had about reached completion, when the law was passed creating the Police Court. It was then decided to add a story above the station house, and make a court room of it. This was done, and within a few months the Police Court, with all its paraphernalia, was removed to the new building on Johnson street. Here the business was conducted for eleven years, when the Central Station was built.

Before Judge Barr had completed his first term, he became a candidate for county clerk, and in the Fall of 1854 he was elected to that position, assuming his office soon after. This left a vacancy on the police bench, and Prosecuting Attorney Bushnell White was elected by the city council to fill it until the regular election the next Spring. At that time there was a new deal all around, and many people were surprised at the result. The Knownothing party had gained such a power as to control the election, and a ticket publicly known as "the Citizens' ticket" was nominated and elected, as follows: Seth A. Abbey, police judge; Albert Slade, prosecuting attorney, and David L. Woods, city marshal. Mr. Hodge, having been elected for three years, of course held over another year after this. The Knownothings were a party composed exclusively of Americans, no foreigners being admitted or endorsed for public office. All these nominations were agreed upon in secret meetings of the lodges of which the Knownothing party was composed, and were, of course, elected, defeating both Democrats and Whigs. A list of subsequent incumbents of all the Police Court offices, with the respective terms to which they were elected, is appended.

David L. Woods became the most efficient, successful and impartial, yet unpopular, marshal the city ever had. He would arrest any one caught in the act of committing any misdemeanor forbidden by ordinance or statute, no matter who it was. Just the same then as now, a man who does his whole duty, without regard to persons, becomes very unpopular, and the official who succeeds in satisfying everybody must be a strange sort of *genus homo*.

The city had no paid fire department in those days, and the volunteer brigade was forbidden, by ordinance, from "running with their machine" on the sidewalks. None of the boys had paid any attention to it, however, and would tear along the sidewalks at breakneck speed, with a long rope, dragging a hand engine at the end of it—until Dave Woods was elected. Dave said he was going to stop it, and was laughed at. The streets were at times knee-deep in mud, none of them being paved, and it was a difficult matter to drag the engines through it. So when the first alarm was given, after the new election of officers, the "gang" started down the sidewalk, as usual. On they rushed, tearing down the street like mad men, caring only to reach the fire as quickly as possible, and the thought of Dave Woods and his "little ordinance" never entered

their heads. All the same, however, Dave was on deck, and, rushing out, tried to stop the engine, but he stood no show just then. He did later, however, when he arrested over half the company and took them, one by one, into Police Court, and had them all fined. This stopped the sidewalk being used for this purpose, but it almost stopped the volunteer department, too. But it only hastened the day of a paid and trained department, running on paved streets.

In the new station on Johnson street, greater convenience was provided, and here the court officials and other attaches made themselves quite comfortable. On the ground floor, in the front, was a general reception room, used for all entry purposes, while in the rear were the cages for the "doves" and other birds. Above this, on the second floor, were two large rooms, the front one used and occupied by the clerk of the court, with the court room in the rear. The judge and marshal used as a private office the room now occupied by W. H. Van Tine, real estate agent, in the *Leader* building.

By the next year, 1854, the population of Cleveland had reached 18,000, and that of Ohio City, her neighbor over the river, could boast of something like 5,000. After a long discussion between the officials of both cities, it was finally decided to consolidate them, and on the first Monday of April, 1854, the two cities became one, and thereby added four wards to the jurisdiction of the Police Court. From that time on the business of this department rapidly increased, and in 1863 another new and larger station was demanded. Architect Blair drew the plans, and within a year the building on Champlain street had reached completion. The ground was purchased from O. M. Oviatt, then a member of the city council, and the building erected by a Columbus street contractor, named Smith. It was approved, accepted and occupied in 1864.

During the Winter of 1865-6, the legislature passed an act reorganizing the police and fire departments of Cleveland, creating the metropolitan system now in force. The act went into effect on May 1, 1866.

One visit to the "Central" is usually sufficient for a stranger—one day's visit to the place being as comprehensive as a month's sojourn within its dismal walls. Every day's grind is of almost the same grist. All sorts of crimes and misdemeanors come before this court for trial, generally committed by the lower classes—"the slums," many of whom manage to keep a little money with which to fee a lawyer, if there seems to be a ghost of a show of getting clear. Of course, such lawyers must work cheap, else the fees would amount to more than the usual fine. Yet there are a few lawyers in this city who make a practice of habiting the place, picking up such crumbs as these, managing somehow to exist on them. They can be seen every day, a half-dozen or so of them, waiting in eager expectancy for the herd to be driven in from the pen; and if one of them looks as though he might have five dollars about him, he is besieged by anxious solicitors, ready and willing to take his case,

A new station is in course of erection on Detroit street, on the west side of the river, and it is probable that by the time it is finished an additional Police Court will be opened in it, for the convenience of West Siders. It would seem that in a city so refined and wealthy, as a whole, that Cleveland should have outgrown the necessity for additional prison facilities, and that schools should have been more plentiful instead. Yet, as this is a historical record, and not a commentator, we may not properly enter into the discussion of its moral or economic bearings. We regret the prevalence and presence of crime, yet we are compelled to note it and its results. Plenty of both can be seen any time by a visit to the "Central."

Police judges, with year of election: John Barr, 1853; S. A. Abbey, 1855; Isaac C. Vail, 1857; A. G. Lawrence, 1859; Isaac C. Vail, 1861; E. Hessenmueller, 1863; S. A. Abbey, 1865; J. D. Cleveland, 1869; J. W. Towner, 1871; S. A. Abbey, 1873; P. F. Young, 1875; R. D. Updegraff, 1877; P. F. Young, 1879; George B. Solders, 1881; John C. Hutchins, 1883; Frank H. Kelly, 1887, re-elected in 1889, and still holds the office.

Police prosecutors, with year of election: Bushnell White, 1853; A. T. Slade, 1855; C. M. Stone, 1871; M. A. Foran, 1875; U. H. Birney, 1877; A. H. Lewis, 1879; J. B. Fraser, 1881; J. B. Buxton, 1883; Frank B. Skeels, 1885; Charles J. Estep, 1887, re-elected 1889, and still holds the office.

Police clerks, with year of election: O. J. Hodge, 1853; Jesse Palmer, 1856; Jacob Shroeder, 1859; D. N. Gardner, 1865; F. E. McGinness, 1875; O. S. Gardner, 1877; William Baxter, 1879; Robert M. Cordes, 1885, still holds the office.

THE JUSTICES AND THEIR COURTS.

W. R. ROSE.

And then the Justice,
In fair round belly with good capon lined,
With eyes severe and beard of formal cut,
Full of wise saws and modern instances,—
And so he plays his part.

—*As You Like It.*

The annals of the justices' courts of Cuyahoga county embody in themselves, to a great extent, the history of the progress of the people of that county. They hold up a

truthful mirror, in which, in a continuous and ever-changing panorama, are reflected the petty transactions, the minor disagreements, the little points of equity between man and man, which make up the inner life of a bustling and advancing community. The justices' courts are the courts of the common people, and the history of the common people is the true history of the country.

Of the majority of the men who in Cuyahoga county have sat upon this lesser bench, there is no reason to feel otherwise than proud. They have, with few exceptions, administered the duties of their office with discretion and ability. Many of them have filled other positions of trust with fidelity and signal integrity. All of them have been the people's choice, and the people have rarely erred.

Concerning the legal labors of the justices who flourished in Cuyahoga county before the establishment of the first court of record in 1810, but little is accurately known. No newspapers existed to chronicle their names and Solomonic decisions; their dockets, if they kept any, which is very doubtful, have crumbled into dust, and the memory of living man goeth not back to that remote date.

To James Kingsbury may properly be assigned the honor of the first justiceship of the section of Ohio which now includes Cleveland. Whether he was duly commissioned or not it is impossible to tell. In 1800 everything relating to the little colony on the Cuyahoga was in a chaotic state. Out of this, by the persistent efforts of the sturdy pioneers, finally came order and then law. There was but little need of legal coercion during the Kingsbury era, but whatever law was administered was laid down by him, we may be assured, with a strict sense of justice. He appears to have been, in many respects, a remarkable man. He had come from Conneaut to Cleveland, with his family, at the close of the century, June 11th, 1797, preceding Major Lorenzo Carter, and at once took rank as a leader in the little group of pioneers. He was of the stuff that pioneers should be made—hardy, persevering, and of indomitable courage. At Conneaut he had traveled many miles, on foot, through deep snows, to procure food for his starving family; in Cleveland he encountered hardships scarcely less discouraging. But he outlived them all, and for many years was one of the most active factors in civilizing the section. In 1802, as Ohio emerged from her territorial condition into the dignity of a state, and took upon her sovereign shoulders the mantle of a constitution, the good people of Cleveland assembled at James Kingsbury's house, which appears to have been a general place of meeting, and, on April 5th, organized a township form of government. Pioneer Rodolphus Edwards was chairman of the meeting, and pioneer Timothy Doan, clerk. Both of these men were afterwards justices. On October 11th, 1803, an election was held in Cleveland township, which was still a part of Trumbull county, and Timothy Doan, justice of the peace, signed the poll-book, certi-

fying to the fact that twenty-two votes had been cast. On October 9th, 1804, the vote had increased to twenty-six. What the duties of the early justices were, beyond signing poll-books, and on rare occasions performing marriage ceremonies, it is impossible now to state. It was undoubtedly a very peaceable community, and the worthy justices could have had no difficulty in keeping accurate records of their fees. The first violent breach of the peace recorded was committed by that Miles Standish of the Reserve, doughty Major Lorenzo Carter himself. He struck a man, who might have lived in posterity if his name had been preserved. If the case came before a justice, there is no record to show it. Probably, as the early law of the township was familiarly known as "Carter's law," the injured party discreetly condoned the assault. There was a lawyer in the township, Samuel Huntington, nephew of the governor of Connecticut, and himself governor of Ohio in later years, who had brought the bar with him in the latter part of 1801, but men who were busy conciliating red savages and fighting howling wolves could have had but little time for litigation.

On February 10th, 1809, the legislature created Cuyahoga county, and the first court of record assembled in Cleveland township on June 5th, 1810. Judge Ruggles presided, and James Kingsbury was one of the two associate judges. Thereafter, until the close of his active life, he was familiarly known as Judge Kingsbury. Not long after the formation of the county, Rodolphus Edwards, one of the earliest settlers, and a friend and neighbor of Kingsbury, was elected a justice. Edwards was another of the hardy band of pioneers who had blazed their way into the western wilderness in the closing years of the preceding century. He reached Cleveland on July 10th, 1798, and from the hour of his coming had been recognized as a man of sleepless energy and sterling integrity. His business was that of a surveyor, and the field of his work was mainly in the direction of Newburgh. Some of the sections in that township were laid out in a quite irregular way, and this was jokingly ascribed to the fact that he had broken his set of instruments and so had been obliged to sight the lines along his thumb, which, unfortunately, was very crooked. Naturally, there was a lack, in that rude period, of both law books and legal forms, and it is said that Edwards wrote out his official summons in the following original way: "In the name of God, amen. Take Notice that We, Rodolphus Edwards, a Justice of the Peace by the Grace of the Almighty, do hereby Summons you to appear before Us, under dread of Dire penalties and Severe tribulations." Ashbel W. Walworth, another pioneer, was elected a justice shortly after Edwards assumed the office, and was re-elected five times. Following this long term of service, he was appointed collector of the port of Cleveland, a position which he held for a number of years. In 1826, Harvey Rice, a young man of twenty-six, who had arrived in Cleveland two years before, proved a highly popular candidate for justice, and

was elected by a large majority in a very small total vote. At this period the office was rapidly increasing in importance. The duties were becoming more and more onerous, and it was no unusual occurrence for a justice to have more than one case a week to pass upon. Then, with the rapid growth of the settlement, the number of marriages naturally increased, and marriage ceremonies were the choicest plums that fell to the justice's lot. Clergymen were few and not always to be found when wanted by an impatient swain; and, besides this, there was a prejudice in favor of the extra-binding qualities of a marriage by a duly-qualified magistrate. This was undoubtedly a natural outgrowth born of the irregularities of a new settlement. A great drawback to the formal administration of justice by those worthy officials was the lack of legal precedents. There was no *Swan's Treatise*, that sheet-anchor and saving help for countless justices who came later on, and the old English law books were not always explicit enough for the novel points of pioneer litigation. So the early justices of Cuyahoga county were obliged, to a great extent, to fall back upon the promptings of their inherent good sense, and, following the example of wise King Solomon, establish their own precedents as they went along. We may rest assured that there were few appeals from these decisions, and that the litigants recognized the fact that they were based on the simplest and most direct conception of what constituted equity.

Between 1826 and 1840, Eliezer Waterman, Varnum Card, Job Doan, Dr. Samuel Underhill, Gerdon Fitch, Andrew Cozad, A. D. Smith, Porter Wells, and George Hoadly occupied the junior wool-sack of the justice's bench. Common report credits these men with the acts of competent and worthy officials. Justice Job Doan, a sturdy representative of that family which is so closely linked with the rise of the county, was a member of the legislature for one term, and died at the first visitation of the cholera, in 1834. Of Waterman, Fitch, Cozad, Smith and Wells, little of a distinctively official character is known. They were undoubtedly good citizens and excellent law expounders. With a voting population of only a few hundred, it was quite impossible for a man of doubtful record to receive an elective position. Besides this, the dignity of an elevation to the justice's chair was highly appreciated at that time, and only worthy men—men who had been thoroughly tested in the duties of citizenship, were wanted as candidates. This is the reason the early justices can be considered as representative men. They may have had crude notions of the law's technicalities, they may have been lacking in education, but they were men of hard common sense, and they were picked men, picked from the scanty ranks of their townsmen, who recognized in them the qualifications most useful for the community's good.

Dr. Samuel Underhill, justice and publisher, was one of the most original characters of that day. He was a man of considerable education, and delighted to be considered

in advance of his age. He called himself a free-thinker, and edited a small semi-weekly paper, *The Liberal*, which was devoted to the spread of atheistic doctrines and arguments. The name of this paper he afterwards changed to *The Bald Eagle*, a journal noted for plunging its talons promiscuously into people, without regard to consequences, and it proved to be the doctor's last journalistic venture. He said some harsh things about City Clerk Curtis, and that official, without waiting for the tedious process of the law to right his wrongs, seized a sledge-hammer, and, rushing to the doctor's office, proceeded to effectually reduce the primitive hand-press to metallic fragments. *The Bald Eagle* never recovered from the shock. Dr. Underhill kept well abreast of the new ideas of his time. When Mesmer's experiments were made known, he at once became an enthusiastic mesmerist, and talked very learnedly on the subject. He was also deeply interested in phrenology. At the time of the Canadian rebellion, the doctor warmly espoused the cause of the rebels, and would gladly have plunged this country into war on their behalf, at a moment's notice. As a justice, the doctor has handed down to posterity one learned decision, which offers a most remarkable precedent. A citizen of Cleveland, a worthy man of German birth, desiring to visit the fatherland, placed all his earthly treasures, including his wife, in the care of a dear and trusted friend, and hied away across the ocean with a light heart. When he returned after a six months' sojourn, he found, to his intense astonishment and grief, that the trusted agent had settled down on the property left in his care, and, worst of all, had also assumed a proprietorship in the unobjecting wife. Astonishment and grief gave place to anger, and the injured husband sought Justice Underhill and began proceedings against the false friend. Sherlock J. Andrews, Esq., appeared for the plaintiff, and the defense was represented by attorneys Moses Kelley and Hiram V. Willson. The case was briskly contested, and then submitted to the justice. That astute official carefully summed up all the evidence, and finally gave a verdict for the defendant. He said that as the principal had clothed the agent with absolute authority over all his belongings, desiring him to take his place in every particular, he (the justice) could not see that the agent had exceeded his authority in any respect. He, therefore, discharged the defendant. Not long before his death, Dr. Underhill, in 1859, renounced his atheistic belief. In person, the doctor was a man of very large frame, stout, and with strongly-marked features. For many years he was one of the noted characters pointed out on Cleveland streets.

On April 15th, 1836, a tall man with spare features, of quiet, yet dignified appearance, stood up before the first city council of Cleveland and administered to them the oath of office. This was George Hoadly, justice of the peace, a remarkable man in all respects. Had not the horizon of his chosen home been so circumscribed; had he sought

other and wider fields, he could have won the respect and love of a nation, instead of that of a struggling hamlet. He was of a studious habit, a profound lover of books, and gifted with a singularly retentive memory. He had been a tutor at Yale, and was for some time, in his early years, a writer on a prominent Eastern journal. He served as a justice from 1831 to 1846, and during the fifteen years he filled the position he passed upon over twenty thousand cases, very few of his decisions being appealed, and not one reversed. When not engaged in the business of his court, he devoted himself assiduously to his books. He had, for the times, a very fair library, and this was a constant source of entertainment for him. Lawyers often came long distances to consult with him and to ask for precedents. "Justice," they would say, "did you ever hear or read of a case similar to this one of mine?" 'Squire Hoadly would quietly listen to the details, and then, after a moment's reflection, would point to his rows of books and say, "There, in that third row of books, the second volume from the right, you will find all the precedent you require." There was one form of business, however, which came to the justices of that time, that 'Squire Hoadly did not want. He disliked to have the dignity of his court interrupted by seekers after the connubial link. Not that he was hard-hearted, no man possessed a more kindly disposition, but he looked upon performing the marriage ceremony as something quite removed from the legitimate business of the court, and he was very willing that the fees from this source should fall to his brother justices. Notwithstanding this known antipathy, no justice of the day was so eagerly sought after by those about to marry. If they couldn't secure his services during the time his court was in session, they would waylay him at other hours. A little incident showing his innate sympathy for those "unfortunates," as he was wont to term them, is pleasantly related by an eye-witness of the scene. It was late in the afternoon of a certain day, and the justice was deeply absorbed in writing. Presently the door was softly opened. A shock head and a capacious, smiling countenance appeared in the door-way. This vision was followed, a moment later, by the giant form of a country youth who drew after him, by the hand, a blushing and much-beribboned maiden. For a moment they stood in silent expectancy. Then the justice looked up, gave them a sweeping glance, and looked down again at his work. "Well," he presently said, with a slight burr of gruffness in his tones, "what's wanted?"

"Nothin'," stammered the frightened youth, "that is, nothin' much."

"Want to get married, I suppose?" said the justice, a moment later.

"You've guessed it," answered the youth, with a broad grin.

There was another interval of silence, broken only by the scratching of the 'squire's pen.

"Come here," he said,

The couple moved to the desk. He questioned them briefly, uttered a dozen hasty words, and went back to his writing. Still they lingered near. There was a long pause.

"Say," said the youth, "when are you goin' to marry us, 'squire?"

The justice looked up. "My friend," he said, "you are married for time and eternity. Do you expect to have the period extended?"

The bridegroom looked puzzled for a moment. "Well," he said, "anyway, you forgot somethin'." And he drew from a big wallet a three-dollar state bank bill and threw it on the justice's desk.

The 'squire looked at it and then produced a dollar and fifty cents in change.

"Keep it all, 'squire," urged the bridegroom, "it's wuth it."

The justice pushed the money into his hand. "My friend," he said, "it isn't worth a penny more than I ask, and the time may come when you will think I grossly overcharged you. There, there," he added, with a wave of his hand, "go and be happy." And the scratching of the busy pen recommenced.

In 1846, George Hoadly was elected mayor of Cleveland, and made as good a chief municipal officer as he did a justice. He was an ideal office holder, prompt in business, dignified, courteous, of sterling integrity, and with his whole soul wrapped up in his duties. There was a general and wide-spread feeling that the community had suffered a serious loss when, a few years later, he removed his home from Cleveland to Cincinnati. Almost forty years after the inauguration of Mayor George Hoadly as chief municipal officer of a city of a dozen thousand inhabitants, his son, another George Hoadly, a man closely resembling his revered father in many respects, was inaugurated governor of the great commonwealth of Ohio.

The justices of Cleveland township, in office in 1840, were I. F. Benedict, John Day, John Gardner, and George Hoadly. They were all citizens of credit and considerable renown. Benedict was re-elected in 1842. In 1841, John Barr, one of the earliest settlers on the Reserve, was elected a justice, and held the office for three terms. He was the son of a Presbyterian clergyman, and a man of literary ability and general intelligence. In 1844, he owned and published a paper called *The Campaigner and Tariff Advocate*, which was started in the interest of the Whig party, and boomed Henry Clay for the presidency. Barr's papers concerning the early settlement of the county are graphically written, and have much historical value. He had, previous to being elected a justice, served one term as sheriff of the county, and in 1856 was clerk of the courts. He lived to see the wilderness at the mouth of the Cuyahoga transformed into a large and prosperous city. In 1843, Melancton Barnett was made a justice. He was an excellent citizen in all respects; an upright, candid and thoroughly capable man. As county treasurer he administered the duties of his office with the strictest fidelity, and no man

was considered more worthy of the highest public trusts. He served as justice for two terms, being re-elected in 1846. Edward Hessenmueller was chosen as a justice in 1843. Mr. Hessenmueller afterwards sat upon the police court bench, and in both offices made a commendable record. He was re-elected a justice six times, serving eighteen years in that position, a strong proof of the public confidence reposed in him. Isaac Sherman was one of the justices elected in 1843, and Charles L. Fish among those elected in 1846. In 1847, James D. Cleveland, a young man who had come to the city in 1835, was made a justice. He was one of the youngest men chosen for the office; ambitious, active and industrious. He varied the labors of an attorney with considerable journalistic work, acting for some time as associate editor of the *Cleveland Plain Dealer*, with J. W. Gray as editor-in-chief. He was afterwards elected clerk of the courts, and considerably later on filled the office of police judge. He served two terms as a justice. In 1849, George W. Lynde was a justice, and in the same year ex-city councilman George B. Tibbetts began a fifteen years' term of service in the same position. Tibbetts was a mild-mannered, conservative man, and was looked upon as a fixture in the office. He was a good, old-fashioned Democrat, but that fact did not prevent his receiving Republican support when he ran for the office in 1861. In that year the nomination, which he had come to look upon as a perpetual heritage, was withheld from him and given to Attorney L. J. Rider. He could have had the endorsement of the Republicans, but preferred to run as an independent candidate. He issued a letter to the voters, setting forth his claims upon the office, and was triumphantly elected to serve what proved to be his last term. He died shortly after its close.

The new state constitution of 1851 more closely defined the duties and number of justices, but made no change in their methods of transacting business. The office continued to be supported by fees, and the amount of business transacted by the justices compared favorably in volume with that of a generation later. Cases of much higher average importance were submitted to them, and litigation, which thirty years later would invariably have been decided in the higher court, was then left to the adjudication of the justice. The purchasing value of money at that time was so much higher than toward the close of the century that suits involving comparatively small sums were of much greater relative importance. Quite a profitable source of income was derived from fees for performing the marriage ceremony, and from this direction certain justices, noted for their ability as knot-tiers, derived a welcome addition to their income. This business gradually went over to the clergy, until the pleasing appearance of blushing seekers after legalized connubial joys became a rare occurrence in the prosaic office of the justice.

In 1852, Erastus Smith was a justice. In 1853, Almon Burgess and John Philpott filled the office; the latter a popular and promising young attorney. He was killed at

the head of his company by a cannon ball, in the early part of the Rebellion. In 1856, George H. Benham began the first of the four terms he served as a justice, and in the same year Henry Chapman and Isaac C. Vail were also elected. Vail was a young man, but had already won a bright record at the bar. He did not serve out his term as justice, being elected police judge in 1857, the youngest man who has sat upon the bench in Cuyahoga county. When the war broke out he went to the front in command of a company. He was stricken down by typhoid fever while in the service, and died at Danville, Kentucky, at the age of thirty-three. His funeral was one of the most largely attended ever held in Cleveland. In 1858, John R. Fitzgerald was added to the list of justices. He was a citizen of Irish birth, and a man of scholarly attainments. He had been a parliamentary reporter for the *London Times*, and was a regular correspondent of the *New York Herald*. He possessed a classical education, and was proud of exhibiting this fact on all possible occasions. To this peculiarity may be attributed much of the grandiloquent air which characterized him in his official relations. Nothing appealed quicker to his good favor than a recognition of the fact that he was familiar with the dead languages. On one occasion a case came before him involving the ownership of a cow, and incidentally introducing allusions to a certain bridge on the plaintiff's farm. The attorneys in the case were C. L. Fish and John W. Heisley, Esq. The attorney for the defence, realizing that his side of the case was a weak one, resorted to a neat bit of strategy to help his cause. He deftly interlarded his remarks with choice Latin phrases. When the first one fell upon the justice's ears, those worthy organs were pricked up with keen astonishment. When the attorney carelessly introduced *bovum*, the magistrate graciously smiled, but when *transpontine* fell from the attorney's lips the good justice could scarcely contain himself with sympathetic delight. It is needless to say that the classical flank movement went a long way toward deciding the case. Justice Fitzgerald was a great admirer of Daniel O'Connell, and frequently introduced extracts from that eminent orator's speeches into the dry details of his office work. He had repeated "as O'Connell said" so often that it became a by-word. On one occasion, however, he received something of a set-back. He had just commenced "as O'Connell said," when he was interrupted by an attorney, who gravely inquired: "Excuse me, sir, but who is this ass O'Connell?" After leaving the justice's office, Mr. Fitzgerald taught a private school and was thereafter known as Professor Fitzgerald. He died suddenly of heart disease in 1865. He was a man of strong social instincts, and of a very kindly nature.

In 1858, Madison Miller, who had been sheriff of the county in the early '40's, was among the justices elected. Miller was a man of much dignity, and had been one of the most ardent supporters of Henry Clay in Ohio. Wells Porter was also a justice in

1858. The latter was an elderly man of eminent respectability, who already served as a justice before Cleveland became a municipality. He was re-elected in 1861, '64, and '67. In 1859, Samuel Foljambe was elected, and in 1861, Julius H. Brown and J. S. Allen were chosen. The justices elected in 1863 were Daniel Stephan and Frederick A. Brand. Justice Stephan was of German lineage, and transacted a very large business with the citizens of Teutonic descent. He made an upright official, and this fact is attested by his re-election to the place three times. Justice Brand served three terms and proved himself worthy of the honors of the place. In 1864, George Hester, George A. Kolbe and Wells Porter were elected. Both Justice Hester and Justice Porter served two terms and made good records. Justice Kolbe sat upon the official chair of his court for twelve years, and no character or figure in Cleveland was better known than his. He was short and stout, and his rigid adherence to his own ideas of dress, in utter defiance of the edicts of fashion, made him a marked man. The tremendous breadth of beam of his official trousers was a subject of daily comment by citizen and stranger, and few theatrical or minstrel organizations came to the city without testing the fact that any allusion to the 'squire's nether garments was sure to meet with a quick and sympathetic acknowledgment. Kolbe was of German birth, a man of fair education and of much industry. He was not blessed with this world's goods to any extent, and tried in various ways to add to his slender income. He taught school, and for a time had a small circulating library. Even after his election as justice he continued his pedagogic duties for a considerable period, giving up his evenings to this work. In his court room he was dignified, and rendered his verdicts with conscientious care. The slight feeling of amusement created by his appearance on the street never followed him into the court room. He was always proud of his knowledge of the law, a knowledge gained under difficulties, and he often made allusion to this fact. Many of the attorneys, however, suspected that all of the law the justice knew was included between the covers of his *Swan's Treatise*, and one day when 'Squire Kolbe was particularly emphatic in laying down the law from his standpoint, an attorney suddenly snatched the treatise from the official desk and flung it out of the window onto an adjoining shed, at the same time exclaiming, "now, where's your law?"

The 'squire could appreciate a joke. "Gentlemen," he said, with his strong Teutonic accent, "gentlemen, I adjourn the court."

Justice Kolbe served the township between the years 1864-1876. In 1867, Horace N. Bill was elected and served one term. In 1868, George Arnold was chosen and also filled the position one term. Major George Arnold was one of the most original officials that ever sat in the chair of authority. He was a German, and while he possessed many of the most marked characteristics of the race, he had but little of the

phlegmatic disposition which is commonly associated with men of Teutonic birth. He was fiery in act and speech, and could not brook contradiction. He felt the dignity of his position keenly, and his little court was a throne-room when he was in the chair of justice. He was quick in repartee, and possessed a fine sense of wit. The major had served in the Union army during the Rebellion, and at Shiloh received a bullet wound in the back. This wound troubled him for years afterwards, both physically and in his sensitive mind. Every little while some joking individual would make a sarcastic allusion to the location of the hurt, and perhaps express wonderment over the fact that the rebel bullet had overtaken him.

"I'll dell you chust how I got dot bullet in de pack," said the major one day to one of his tormentors. "There vas a rebel pattery up on a hill a playin' the mischief mit our poys, und I said to my gompany, 'come on, an' ve will dake dot pattery!' Ve charged up de hill und capchured dot pattery. Then the rebels rallied und charged pack again und drove us down the hill, und recapchured dot pattery. Then I said, 'poys, ve must have dose guns, come on!' Up we charged again, und drove off the rebels und took the pattery once more. Pack came the rebels like tigers, und drove us off again, und the pattery vos still theirs. Then I got mat. I stood out in front of my gompany und I turned round to dem, und I said as I waved my sword und pointed mit my thumb over my shoulder, 'poys, we will dake dot pattery this time, und, by shiminy! we will keep it! Come on!' Und chust as I yelled 'come on!' a big rebel cheneral up on the hill looked through his spy-glass und said: 'Look at dot big, fat Dutchman down there; dot's de feller dot's makin' all de trouble at Shiloh! Shoot him!' Und so a sharp-shooter up mit his rifle und shot me through de pack. Und when the cheneral saw me fall, he folded up his spy-glass und said, 'dot settles it!' und went in to dinner."

The major was extremely punctilious over the amount of respect which must be paid him in his official capacity. He was inclined, when excited, to grow very profane, and could rattle off oaths like a volley of musketry. One day an Irishman entered his office when the justice was at his desk writing, and, wiping the perspiration from his brow, muttered something about the stairs "being dom hard to climb." An attorney who chanced to be in the room, and delighted in stirring up the justice, turned to the new-comer and sternly remarked: "My friend, you must be careful how you swear in the presence of the justice." The major looked up like a flash. "What's that?" he shouted. "Swearing in the court room! Why, ——— you, if I hear you get off any more of your ——— swearing in my presence I'll send you to the county chail, ——— me if I don't! For contempt, ——— you, for contempt!" As the frightened Irishman disappeared through the doorway, the major turned to the attorney and

gravely remarked: "I don't intend to have any — brofanity in this court room, if I can help it!"

For some reason the fiery major was slightly hostile to his brother justice, George A. Kolbe. This feeling never went farther than occasional sarcastic remarks concerning 'Squire Kolbe's personal appearance. One day a case came before 'Squire Arnold in which a German was accused of wrongfully appropriating a quantity of twists, used in weaving. The evidence against him was clear, and when it was all in the major looked down at him and solemnly said: "There is no doubt apout your stealing this man's twists. The evidence convicts you. I am surprised dot you took sooch a risk for such a worthless article. If you wanted twists so padly there vos other ways of getting them pesides stealing. If you was grazy for twists why didn't you go to 'Squire Kolbe and ask him for his peautiful long hair? Ten dollars and pay the costs." One day a duly appointed committee of attorneys called upon the major and questioned him regarding his knowledge of the law. They asked him what would be the effect of altering a contract after it had passed from the maker's possession.

"Suppose," said one of the attorneys, "suppose a note is given to a man and he adds some words to it. Who will be the loser?"

"The man who made the note," answered the major instantly and triumphantly; "'cause why? 'cause he had no peesness to be sooch a fool as to leave space to write somedings else in!"

Major Arnold practiced law for some time after his term as justice expired, and was noted for the originality of his arguments and the humor of his questions. He was once interested in a case growing out of a suit for divorce. The divorce had been granted, and in making a settlement of the property the husband was permitted to remove the bed formerly occupied by him. He sent to his late home, and, instead of taking the bed—a single one—which he had occupied previous to his leaving his wife, he carried off a double bed of much more value. The bed was replevined, and the case brought before a justice. It was clearly proved that the defendant had not for fifteen years slept in the bed which he had taken, and that he had used the single bed for some considerable time before the separation. Then Major Arnold addressed the court. "It is glained," he said, "dot my client has taken the wrong bed. I deny it. The court gave him the bed formerly occupied by him. The plaintiff's lawyer says the single bed is the one meant. I deny it. If the single bed occupied by my client for the last three years is the bed formerly occupied by him, then the bed he slept in fifteen years ago must be a tam sight more formerly, and dot's what's the matter!" And the worthy major sat down with a beaming smile. He lost his case, however.

With those he considered his inferiors in intellect the major was inclined to be a

little overbearing. He would draw himself up and look down upon them with haughty austerity. One evening he stood at the foot of the stairs leading to his office when a fellow-countryman came by and ventured to stop and mildly remark :

“Good evening, 'squire. I think it vos better if we hat a little more street lamps lighted.”

No reply from the major. “We vos having a pooty dark night this evening,” he ventured again. Still no reply.

The speaker tried once more. “It is a goot thing the lamps up there vos burning all right,” he said as he pointed to the sky, where the stars were making a wonderful display. “Dot one off there, especially. I never seen a brighter feller.”

With great dignity the major condescended to raise his head and look at the star indicated. Then he gave a slightly contemptuous snort, and in deep and heavy tones, expressive at once of the common character of the star, of his own superior astronomical knowledge, and of the other man's gross ignorance, slowly remarked, “Dot's Jew-peter!” The worthy major has been dead (1889) for a number of years.

Beginning in 1869, Col. Edgar Sowers served one term as a justice. In the year 1870, Homer Strong, Gen. David L. Wood and P. W. Payne were elected to the office. Strong served two terms, being re-elected in 1873. General Wood occupied the position but one term. He was an old citizen, and had held a number of municipal offices. As a justice he was dignified and almost unapproachable, but conducted his court in a manner that was beyond criticism. He died a few years after his term expired. P. W. Payne served one term. He was a careful, conservative official, and left an excellent record. In 1872, George T. Smith, and in 1873, John P. Green, H. P. Bates and E. W. Goddard were the new men elected justices. John P. Green is deserving of more than passing comment, the circumstances under which he obtained the office entitling him to much credit. He was a very young man when selected to fill the place, and was the first and only colored man elected a justice in Cuyahoga county. He obtained his education in the Cleveland public schools, graduating with honor from the Central High School. In order to secure this education he was obliged to earn sufficient means to support himself while attending school. During his law studies he kept up this employment, that of a hotel waiter, and within a few months after throwing off his waiter's apron was counsel for the defense in one of the noted murder cases of the county—that of Stephen Hood. He proved a highly popular justice, deciding a very large number of cases during the three years he served. He was re-elected in 1876 and 1879. Later on he was chosen to represent the county in the Ohio legislature. H. P. Bates filled the office of justice two terms, being re-elected in 1876. E. W. Goddard was re-elected in 1876 and in 1879. In 1874, Charles

H. Babcock was made an incumbent of the justice's office in Cleveland township. Justice Babcock is the veteran justice of Cuyahoga county. He served six terms in Brooklyn township, beginning in 1853. He was a well-known citizen, and was noted for his sociable and entertaining character. He was prominent in convivial and political gatherings, and his presence was always recognized by loud calls for some one of his special means of entertaining. One song in particular, it was entitled "Move Your Family West," for years was invariably demanded whenever Babcock appeared at any public meeting. He carried into the justice's chair much of the humor which characterized him as a private citizen, but never overstepped the bounds of propriety. Sometimes the tables were neatly turned on him. On one occasion he specially instructed a newly elected constable to proceed to a certain householder's premises and there take possession of property sufficient to satisfy the amount of a judgment. "Look around carefully," he said to the constable, "and take the most valuable article you can find. Try and find out what the family consider the particularly precious thing in their possession, and then seize upon it." The officer departed, and was gone a little more than an hour. When he returned he bore a bundle in his arms. "I've got it," he said, with a broad smile; "I've got the most valuable thing the family possessed." The justice looked gratified. "Ah," he said, "have you? What is it?" The constable uncovered his prize. "It's a baby!" he simply announced. It was a baby, sure enough. Unmindful of the dignity of the court, it lifted up its voice and sent forth a screech that made the squire shudder where he sat. "Take it away," he feebly murmured, "take it away." And the smiling constable turned and handed the screeching infant to its mother, who wasn't far away, and then carefully endorsed his writ, "nothin' realized." Justice Babcock served three terms, being re-elected in 1877 and 1880. In 1875, Frederick Buehne began a term of service as justice, and in 1876 the new men chosen were Albert H. Weed, Felix Nicola, A. J. Hamilton, T. D. Peck and William K. Smith. Justice Peck had served one term in East Cleveland township and was re-elected in Cleveland township in 1879, 1885 and 1888. Justice Nicola had served two terms in Brooklyn township, and had been sheriff of the county. In 1879, the new incumbents of the place were Frank H. Kelly, E. R. Griswold, R. W. Denham and E. H. Bohm. Justice Griswold was re-elected in 1884 and 1889; Justice Bohm in 1885 and 1888. In 1881 and 1882, the new justices were William Jones, William Fuller, O. H. P. Hicks, Isaac L. Gleeson and F. H. Biermann. The last named was re-elected in 1887. In 1883 and 1884, the new justices were William R. Ryan, C. W. Coates, W. J. Hart and Charles G. C. Lagervall. Justice Hart was re-elected in 1886. In 1886, the new incumbents were Samuel S. Marsh, Levi F. Bauder and Edmund Hitchens. The last named was re-elected in 1889. The seven

justices of Cleveland township in the latter year were W. J. Hart, E. R. Griswold, F. H. Biermann, E. H. Bohm, T. D. Peck, Edmund Hitchens and Levi F. Bauder.

In this brief review of the justices only those have been enumerated who served their fellow-citizens in Cleveland township. Among the worthy and well-known incumbents of the office in the surrounding townships may be mentioned M. W. Bartlett, Euclid; Henry Chapman, Middleburgh; Albert Wager, Rockport; Benjamin Lamson, Bedford; John Coates, Brecksville; Edwin Fuller, East Cleveland; D. L. Wightman, Newburgh; L. M. Gates, Mayfield; M. E. Gallup, Strongsville; Theodore Breck, Brecksville; J. M. Poe, Brooklyn.

In 1886, the legislature passed a bill which very materially affected the justices of Cleveland township. This bill, as will be seen, gave the justices a fixed salary in place of the fees which they so long had looked to as a revenue.

The act reads as follows: SEC. 621, *a*.—In all cities in this state of the second grade of the first class, each justice of the peace, for services rendered, shall receive, in lieu of all fees, a salary of eighteen hundred dollars, and six hundred dollars for clerk hire, and not exceeding three hundred dollars for office rent, per annum, payable out of the city treasury, in quarterly payments, on the first Saturday in January, April, July and October of each year.

SEC. 621, *b*.—It shall be the duty of each justice of the peace in all cities of the second grade of the first class to collect the fees as provided in Secs. 615 and 621 of the R. S. of Ohio, and make return under oath to the city treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same into the city treasury, making return at the same time of all fees due and uncollected; he shall, within five days after the expiration of his term of office, make an itemized statement, under oath, to the city treasurer, of all fees uncollected by him, and it is hereby made the duty of said city treasurer to collect said unpaid fees, out of which he is authorized to retain ten per cent. of the amount collected for his services, and account for the balance as for other funds of such city coming into his hands as treasurer.

This radical change in the manner of compensating justices was intended to effect such officials in Cleveland township only, and there was considerable opposition developed among them. Finally, Justice W. J. Hart began legal proceedings to prevent the enforcement of the law. His petition set forth that the act was illegal because of a faulty description as to the place of its application. That instead of reading "In all cities in this state of the second grade of the first class," it should read, "In all townships of this state whose boundaries are coincident with those of cities of the second grade of the first class," the justice being a township and not a municipal officer. The case has now (1889) reached the Supreme Court of the state, and is still awaiting their decision.

In April, 1889, the general assembly of the state resolved to submit to the electors propositions for four amendments to the state constitution of 1851. These propositions were to be voted upon on the first Tuesday after the first Monday in November, 1889, and, if they carried, were to go into effect on the first day of January, 1890. Proposed amendment No. 4 refers to biennial elections, and its ninth section makes certain changes in the law governing justices of the peace. This section reads as follows: "SEC. 9.—Justices of the peace shall be elected by the electors in each township on the first Tuesday after the first Monday in November in the odd years, and their powers and duties shall be prescribed by law. Their terms of office shall be four years, and shall commence on the first day of January next after their election. Vacancies occurring in the office shall be filled by appointment until the first day of January after the next election for township officers."

THE BAR ASSOCIATIONS.

THE CLEVELAND BAR ASSOCIATION.

C. W. HEATON.

For some years previous to the organization of this association, speculation was had as to the advisability of forming a club or association of members of the bench and bar for the purpose of promoting business and social intercourse with each other. Nothing definite was done, however, until 1873, when a call was issued for this purpose, and on March 22nd, 1873, a meeting was held in the law library room, in the old court house. John W. Heisley was chosen chairman. He stated the object of the meeting, and read the following call :

“We, the undersigned, members of the bar of Cuyahoga county, propose to form, at a meeting to be hereafter called, a Bar Association.”

The call was signed by the following gentlemen : S. J. Andrews, G. E. Herrick, H. C. White, Geo. H. Wyman, Chas. W. Prentiss, C. W. Noble, John Hutchins, B. White, Henry Sherman, Jason Canfield, S. M. Eddy, S. E. Adams, J. M. Connell, Jno. J. Carran, Arnold Green, A. T. Slade, C. A. Russell, A. W. Lamson, Jno. W. Heisley, W. W. Andrews, J. W. Tyler, John Coon, C. B. Beman, R. P. Spalding, J. M. Adams, S. O. Griswold, J. E. Ingersoll, Jno. C. Grannis, D. Cadwell, P. H. Kaiser, G. H. Foster, E. Hessenmueller, E. J. Estep, L. R. Critchfield, H. B. DeWolf, Samuel E. Williamson, James M. Jones, James Fitch, James Mason, F. J. Dickman, J. H. Rhodes, J. M. Henderson, A. J. Marvin, J. P. Bishop, G. M. Barber, L. W. Ford, H. L. Terrell, C. M. Stone, H. C. Ranney, A. C. Caskey, Virgil P. Kline, S. Burke and Chas. M. Vorce.

It was resolved to form an association, to be known as the “Cleveland Bar Association.” The meeting then proceeded to the adoption of a constitution and by-laws, the most important of which is article 2 of the constitution, which reads as follows : “The objects of this association are to maintain the honor and dignity of the profession of the law, to cultivate social intercourse and acquaintance among the members of the bar, to increase our usefulness in aiding the administration of justice, and in promoting legal and judicial reform ; but it shall not be a part of the business of the association to discuss or take action upon questions of politics or of religion.”

The officers of the association were to be a president, three vice-presidents, recording secretary, corresponding secretary, and treasurer; an executive committee, committee of investigation, committee on grievances, committee on judiciary and legal reform, committee on membership, and such other committees as the association should hereafter provide for, which committees should discharge such duties as should be respectively assigned to them. The duties of all officers were to be the same as those of similar associations.

Every candidate who may be recommended by the committee on membership must be balloted upon, and one negative vote excludes the candidate, who is not to be again proposed within six months. (This accounts, to a great extent, for the comparatively small membership of the association.) The constitution requires the association to meet at least once a month, except in July and August. The regular annual meeting is held on the first Saturday in May of each year. Any member may be suspended or expelled for unprofessional conduct. The admission fee is five dollars, payable on signing the constitution, and the annual dues five dollars, payable at the regular annual meetings. Members in default, after sixty days notice, cease to be such, and forfeit all rights and privileges in the association, unless excused by the executive committee.

The first officers of the association were: President, Sherlock J. Andrews; vice-presidents, James Mason, John W. Heisley and John C. Grannis; recording secretary, Virgil P. Kline; corresponding secretary, Lyman R. Critchfield; treasurer, G. M. Barber. Executive committee, Homer B. DeWolf, Samuel E. Williamson, J. M. Henderson, Henry C. Ranney and Lewis W. Ford. Committee of investigation, Jason Canfield, John E. Ingersoll, James Fitch, Darius Cadwell and Herbert L. Terrell. Committee on grievances, James M. Jones, Seneca O. Griswold, Jarvis M. Adams, Albert T. Slade and John M. Connell. Committee on membership, William S. Kerruish, Andrew J. Marvin, Franklin J. Dickman, J. H. Rhodes and John C. Hutchins. Committee on judiciary, John C. Grannis, Lyman R. Critchfield, Samuel E. Adams, George H. Wyman and Stevenson Burke.

At the time of writing this article the roll contains the names of ninety-seven members, of which four have left the city and four are dead. The present officers of the association are as follows, having been elected May 12th, 1888: President, J. M. Jones; vice-presidents, S. E. Williamson, J. W. Heisley and John Hutchins; recording secretary, J. H. Webster; corresponding secretary, Amos Denison; treasurer, J. H. Rhodes. Executive committee, J. E. Ingersoll, V. P. Kline, H. B. DeWolf, F. J. Wing and J. H. Hoyt; investigation, C. C. Baldwin, A. C. Caskey, A. T. Brewer, N. A. Gilbert and W. B. Sanders; grievances, J. G. White, C. M. Vorce, E. J. Blandin, H. C. White and E. A. Angell; judiciary, C. E. Pennewell, J. C. Hale, H. C. Ranney, A.

J. Marvin and G. M. Barber; membership, Andrew Squire, W. M. Raynolds, P. H. Kaiser, M. M. Hobart and A. J. Williams.

THE NATIONAL BAR ASSOCIATION.

At the annual meeting of the Bar Association of the District of Columbia, held on January 11th, 1887, the following resolution was adopted :

“ *Resolved*, That the board of directors of the association are hereby requested to communicate with the local bar associations throughout the country, and also with the American Bar Association, with the view of forming a national legal body, to be composed of delegates from the various associations, and to meet in annual convention, such body to have for its object the advancement of the science of the law in this country. ”

On the 10th of May, 1887, the board of directors, in carrying out this resolution, sent a circular letter to such bar associations as it had knowledge of, and asked for the views of the members of such associations touching the expediency of the proposed convention, the practicability of securing it, and the means to be adopted for bringing it about.

The replies received to this communication were so uniformly favorable, that on the 31st day of December, 1887, the board issued a second circular letter, in which it announced that in consequence of the general concurrence of the profession in the practicability and advisability of the proposed organization, it had been decided to hold such a convention as had been suggested, in Washington, on the 22nd day of May, 1888. The associations to which this second circular letter was sent were requested to appoint delegates to represent them in the convention. The proposition was liberally responded to, and delegates were appointed from a large number of the local bar associations of the country. Ohio was represented by delegations from Cincinnati, Cleveland, Columbus, Dayton, Akron and Toledo. The Cleveland delegates chosen were Messrs. George T. Chapman, J. M. Henderson, Amos Denison, W. B. Sanders and Andrew Squire. Messrs. Denison and Sanders were unable to attend, owing to the pressure of business at home, and the other three gentlemen represented the Cleveland association.

After two days spent in the discussion of various matters pertaining to the movement, the National Bar Association was successfully organized, and a series of by-laws and a constitution adopted. Several committees were appointed, among them being one on bar associations, of which Amos Denison, of Cleveland, was chosen a member, and was the only Cleveland member appointed on any of the committees. The association adjourned on the evening of Thursday, May 23rd.

The first annual meeting of the National Bar Association was held in Cleveland, August 8th and 9th of the same year, in Case Hall, with one hundred and four delegates present.

The treasurer, Lewis B. Gunckel, of Dayton, reported that sixteen associations had paid their dues, amounting to \$525, and that he had so far disbursed nothing.

The executive committee, in making their report, closed by extending the thanks of the association to the members of the Cleveland association for the completeness of the arrangements made for the meeting.

At the second day's session, the committee appointed to name the time and place for holding the next annual meeting of the association reported that they had selected the 7th day of August, 1889, as the time, and the White Sulphur Springs, at Greenbrier, W. Va., as the place. After some discussion, the time was fixed for July 31st, and the report adopted. Robert White, of West Virginia, thanked the meeting for its selection of the White Sulphur Springs as the place for holding the next meeting, and assured the delegates of a warm welcome to West Virginia.

At the appointment of committees for the ensuing year, Amos Denison was again made the Ohio member of the committee on bar associations, and Andrew Squire on the committee on international law. The treasurer reported having collected \$815, and disbursed for necessary expenses \$349.15, leaving a balance in the treasury of \$465.85. A resolution of thanks to the Cleveland association, and to the daily press of Cleveland, was unanimously adopted, after which the meeting adjourned *sine die*.

THE CLEVELAND LAW LIBRARY ASSOCIATION.

A. A. BEMIS.

Probably but few people outside of the legal fraternity know of the large collection of rare and valuable law books owned by the Cleveland Law Library Association, and the comparatively short period of time in which they have been collected.

The rapid increase of law books within the last few years has made it impossible for any lawyer to provide himself with a complete library. The precedents of the various courts of England, Ireland, Scotland, Canada and other British provinces, as well as the almost innumerable state and federal courts in this country, often require examination by judge and attorney in passing upon a difficult question. Thus, from necessity, in most large cities have sprung up libraries devoted exclusively to the subject of law.

The members of the Cleveland bar early recognized the necessity of such a library,



Augustus J. Ricks

and, on the 18th of December, 1869, a meeting was called to devise a plan for furnishing it. At this meeting, held in one of the court rooms of the old court house, Hon. W. J. Boardman acted as chairman, and H. B. DeWolf, Esq., as secretary. It was decided to organize a permanent law library association, having for its object the promotion of the science of the law, and the furnishing of law books for the courts and the use of its members.

At this meeting, which was attended by the leading members of the bar, resolutions were adopted looking forward to a permanent organization by incorporation under the general laws of the state, and a committee appointed to prepare a constitution, by-laws, and articles of incorporation. The first board of trustees was composed of the following persons: Hon. Samuel Williamson, Hon. John Hutchins, Hon. Jesse P. Bishop, Hon. Wm. J. Boardman and Hon. S. O. Griswold. Judge S. E. Williamson was chosen secretary of the board. It was agreed that as soon as a suitable room could be provided, that all those owning sets of books or reports should contribute them to the association at an appraised value, and take their pay either in whole or in part in stock of the association. Those who were unwilling to dispose of their books in this way were requested to loan them to the association, until such time as the association would be able to purchase the same books elsewhere. Prior to this time, the reports of only about ten states outside of Ohio were to be found in the city, and great inconvenience was experienced in their use, by the only means available, viz., a continual borrowing.

On January 8th, 1870, the organization was completed, with a capital stock of \$20,000, divided into eight hundred shares of \$25 each. Hon. S. O. Griswold was elected president, and Hon. W. J. Boardman vice-president. The work of collecting books was begun at once. About eight hundred volumes were first contributed by John Hutchins, R. P. Spalding, Loren Prentiss, W. S. C. Otis, John C. Grannis, Benj. R. Beavis, E. J. Estep, Samuel Williamson, S. E. Williamson, I. Buckingham and S. O. Griswold. A vacant room, on the third floor of the old court house, was fitted up by the county commissioners, for the use of the library. Additions were made as fast as the funds would permit, but the growth of the library was slow for several years.

In 1872, through the efforts of Judge Griswold and the members of the legislature from Cuyahoga county, a bill was passed by the legislature, authorizing the annual payment of \$500 to the Law Library Association, from the Police Court fund, to be used in the purchase of books, and also making further provision for the salary of a librarian. In return for this the library was to furnish the free use of its books to the judges of the various courts in the county, and all other county officials.

This increase in the funds of the association soon had the effect of putting the li-

brary upon a substantial basis. In addition to the money realized from the sale of stock, an annual assessment of \$10 was made upon each member for the use of the library, all of which was used in the purchase of books.

A clause in the constitution provided that any one contributing \$500 in money, or books to that value, should receive an honorary life membership, and be exempt from the payment of dues. In 1874 and 1875, two persons took advantage of this; Judge Griswold contributing \$500 in law books and money, Judge J. P. Bishop, law books to the value of \$900. During this period the library increased rapidly, small donations being frequently received, and judicious purchases made with the funds of the association.

Hon. G. M. Barber, who officiated as secretary and treasurer of the association from 1872 to 1881, early began the purchase of books at auction sales, in New York and elsewhere, and to his excellent management in this particular was due the purchase of many rare and valuable books, at a low price, thus making the best possible use of the limited funds of the association. During the first ten years, from 1870 to 1880, the number of volumes collected was 4,600, at a cost of about \$16,000. The library now began to be crowded for room, and it became apparent that better accommodations would soon have to be provided for it. Fortunately, other departments about the court house required more space, and the county commissioners determined to add two stories to the old court house. In the Summer of 1884, the library was moved into temporary quarters, in the new court house, on Seneca street, where it remained for one year, while the building was going on.

During the year a special bill was passed by the legislature authorizing the county commissioners to make such expenditures as they might see fit in furnishing a new room for the library. A room occupying the whole front of the fifth story of the court house was set apart for the library, having light and air on three sides. The arrangement of other libraries was consulted, plans were drawn, and the furnishings made, with the view to the utmost convenience, and in September, 1885, the library was removed to its present quarters.

At the annual meeting in December, 1885, Judge Barber was made an honorary life member, on account of the valuable services rendered by him to the association while secretary and president.

In 1888, the library of the late Franklin T. Backus, comprising about five hundred volumes, was presented to the association by Mrs. Backus, and in 1889, the library of the late Judge H. V. Willson, of seven hundred volumes, was added by purchase.

The library now contains nearly 10,000 volumes, which have been acquired at a cost of over \$31,000, but this sum represents but little over half of its actual value.

The reports, statutes and digests of all the states, territories, and the United States; as well as the English, Irish and Canadian reports, together with a large collection of text books and legal periodicals may be found in it. While the library, in its present condition, is able to furnish most of the books required for general use, still there is much that is needed and will be added as soon as circumstances will permit. No better field is open to our wealthy and public-spirited citizens for a substantial gift than to place in the hands of the trustees of the Cleveland Law Library Association a fund for the "promotion of the science of law."

The following have been the officers of the library, with their terms of office:

PRESIDENTS.

Seneca O. Griswold, from organization to December 24, 1875.
 Jesse P. Bishop, from December 24, 1875, until his death, in 1881.
 G. M. Barber, from December 6, 1881.

VICE-PRESIDENTS.

W. J. Boardman, from organization to December 11, 1875.
 J. M. Adams, from December 11, 1875, to December 6, 1881.
 W. J. Boardman, from December 6, 1881, to December 4, 1883.
 Darius Cadwell, from December 4, 1883.

SECRETARY AND TREASURER.

Samuel E. Williamson, from organization to December 3, 1872.
 G. M. Barber, from December 3, 1872, to December 6, 1881.
 A. J. Marvin, from December 6, 1881.

LIBRARIANS.

Geo. A. Galloway, from December 6, 1870, to January 3, 1874.
 F. B. Avery, from January 3, 1874, to August 1, 1876.
 F. M. Townsend, from August 1, 1876, to March 15, 1878.
 H. C. Bunts, from March 15, 1878, to October 3, 1881.
 F. H. Goff, from October 3, 1881, to October 9, 1883.
 A. A. Bemis, from October 9, 1883.

TRUSTEES.

Samuel Williamson, from organization to December 3, 1872.
 John Hutchins, from organization to December 1, 1874.
 J. P. Bishop, from organization until his death in 1881.
 W. J. Boardman, from organization to December 5, 1883.
 S. O. Griswold, from organization to December 7, 1875.
 W. S. C. Otis, from December 3, 1872, to December 1, 1874.
 John C. Hutchins, from December 1, 1874, to December 6, 1881.

G. E. Herrick, from December 7, 1875.

J. M. Adams, from December 11, 1875, to December 6, 1881.

C. C. Baldwin, from December 7, 1880, to December 2, 1884.

Darius Cadwell, from December 6, 1881.

J. H. Webster, from December 5, 1883.

J. M. Henderson, from December 2, 1884.

Present officers: G. M. Barber, president; D. Cadwell, vice-president; A. J. Marvin, secretary and treasurer; A. A. Bemis, librarian; trustees, G. M. Barber, D. Cadwell, G. E. Herrick, J. H. Webster, J. M. Henderson.

THE COURT HOUSES.

THE COUNTY COURT HOUSES.

The first step toward the establishment of a county court for Cuyahoga was in the Spring of 1809, when a board of county commissioners was appointed by the governor to select a location for a county seat. Cuyahoga county had been created by an act of the legislature on February 10th, 1807, which at the same time created the counties of Portage and Ashtabula. The village of Newburgh, now a part of the city of Cleveland, was, at that time, a more pretentious bailiwick than the village of Cleveland, and the contest between the two villages, for the location of the county seat, was quite animated; but the proximity of the mouth of the Cuyahoga river, and the shore of Lake Erie, gave greater promise of future possibilities than the claims of the inland burg, and so it was decided that Cleveland should become the seat of justice for the county. In May, 1810, Cuyahoga county was duly organized by the appointment of its proper officers, and began an independent existence. The first court was held in Murray's store, and it was not until 1812 that the first court house was erected. Late in the Summer of that year County Commissioners Wright, Ruggles and Miles contracted with Levi Johnson, a young carpenter of Cleveland, to build a court house and jail on the north-west corner of the Public Square. It was to be of wood, two stories high, and to consist of a jail and living rooms on the ground floor, for the use of the sheriff and his family, with a court room on the upper floor. The work was immediately begun, but the building was not raised into place until the Summer of the next year. It was while engaged in putting on some of the finishing touches on September 10th, 1813, that Johnson and his men were interrupted by what seemed to be the roar of thunder in the direction of the lake, but which soon proved to be the sounds of battle between the naval forces of Commodore Perry, with his flag-ship *Lawrence*, and eight other vessels, and the English fleet, which resulted in his famous victory.

In this humble little building justice was dispensed for upwards of fifteen years.

By the year 1826, court business had so increased that better quarters became an absolute necessity, and the commissioners decided to erect a larger and more commodious building. When their decision was made known, the same contest arose over the location of the new court house as occurred in 1812 over the erection of the first one; and the dispute between the two villages became so sharp that the population was pretty

nearly evenly divided upon the subject. Newburgh had advanced more rapidly than Cleveland in point of population, business, and general prosperity, and being more central, the proposition to remove the county seat had many warm adherents. Yet Cleveland had progressed too, and bade fair to become a place of importance, and so the contest went on. Before the commissioners determined upon the location, one of them died, and of the two remaining commissioners, one was for Cleveland, while the other favored Newburgh. An election was held to fill the vacancy, and every question of merit and fitness was swallowed up in the single one of "Cleveland *vs.* Newburgh." The hottest election contest held up to this time followed, resulting in a victory, by a very small majority, for Cleveland. The following year the new building was begun, and was located in the south-west corner of the Public Square, just opposite the front of what is now the Forest City hotel. It was a two-story, brick building, surmounted by a dome of wood, and was considered at that time a very elegant structure. It stood facing the lake, and was entered by some half dozen steps in the front and rear. The lower story was divided into offices for the accommodation of the various county officials, while the upper floor was devoted to court purposes. It was completed in 1828, and the first court held in it was on October 28th of that year. In this building justice was administered for the next thirty years. In 1830, the little frame building first used as a court house was torn down and hauled away, and the north-west corner of the Square has since remained unoccupied, save by an alligator and a mud turtle, in a puddle of water, sometimes called the fountain. In 1832, a substantial stone jail was erected in the rear of the new court house, about where the Domestic Sewing Machine Company's rooms are now located. As soon as room was provided in it for prisoners, they were removed from the old wooden structure, and the latter torn down.

Court matters progressed fairly with the improved accommodations for a quarter of a century, when the demand again became greater than the supply, and another court house began to be discussed. By the year 1858 it was found that the brick building of thirty years before had become entirely inadequate to the business of the county. After much discussion, it was decided to clear away all buildings from the Public Square and leave it thereafter free for park purposes. Accordingly, a site for a new building was chosen just north of the north-west corner of the Square, on the north side of Rockwell street, and that same year a substantial stone edifice, three stories high, was erected, it being still standing, and now commonly called "the old court house." On November 10th, 1857, the county commissioners entered into a contract with George P. Smith and James Pannell to erect the building, the cost to be \$152,500. There were several other bids lower than this, but the contract was awarded to Messrs. Smith and Pannell, and it is said, by those who ought to know, that they cleared over \$50,000 on

the contract. The building, as stated, was of dressed stone, 80x152 feet, and three stories high. The cellar, now the basement, was a rough affair, evidently not intended for any purpose except to store fuel and rubbish. On the first or ground floor, on the right of the hall-way which traversed the entire depth of the building, were the offices of the auditor and Probate Court; on the left, or west side of the hall-way, were the offices of the recorder and treasurer.

On the second floor, just above the auditor's offices, was the office of the clerk of the court, while the room across the upper hall, and immediately above the recorder's office, was intended for the use of the sheriff. In the rear of these two offices were two court rooms. On the third floor, above the clerk's office, were two jury rooms; across the hall was the room occupied by the board of school examiners. The whole of the space in the rear was devoted to criminal court purposes. This was the situation until the year 1875, when the "new court house" was built, when all criminal business was removed to the new building.

In 1875, the commissioners made another purchase of ground, fronting on Seneca street, and extending back to the line of the "old court house," for the erection of a new court building and county jail. Walter Blythe was the architect who drew the plans, and John McMahon and Alexander Scott were the principal contractors, and, with the cost of the ground, the total expense amounted to nearly \$250,000. The new building is nearly square, being about seventy feet either way. The basement story, about half above ground, is occupied by the board of equalization, county surveyor, and other purposes. The first floor above is devoted entirely to the Probate Court rooms and offices, except one room in the north-west corner, which is occupied by the county prosecuting attorney and his assistants. Above this is the Criminal Court room, 40x60 in size, and 35 feet high. Around the court room are several jury rooms, waiting rooms for witnesses, attorneys, etc. This floor is reached by a broad, iron staircase, dark as night, leading upwards from the rear of the lower hall-way. A cold chill creeps up one's back, and an atmosphere at once suggestive of murder and burglary and outrage is felt, as the passage is being made up the gloomy, dark, and winding stairs. As the criminal is not brought in this way, but is conveyed back and forth through a back passage-way to and from the jail, immediately in the rear, the dismal hall-way has no terrors for him, and there is no known reason why the commissioners should wish to unduly impress the spectators with a sense of their own weakness and the solemnity and majesty of the law and its servants. "Let there be light" in the darkness.

In 1884, steps were taken to still further increase the facilities of the "old court house." The business of the departments had so increased that more room was necessary for them all. So, on April 17th, the board of commissioners passed a resolution to

add two more stories to the height of the building, plans were ordered, and on May 21st they were approved. The work was begun immediately, and was completed in the Fall of the next year. The dimensions are now 80x152, and 110 feet high. The auditor now has the use of one-half the entire lower floor, while the treasurer uses the other half, except a small room in the front corner, which is appropriated by the commissioners. Half the second floor is occupied by the clerk's department, and the other half by the recorder's offices. In the front end of the third floor is court room No. 1, in the rear of which are two rooms, one of which is used by the board of county school examiners, the other being intended for a criminal court room, but so far it remains unused. On the fourth floor are court rooms 2, 3 and 4, and on the fifth, or upper floor, are the Law Library in front, and the Circuit Court and court room 5 in the rear. The only ground extension to the original building was a tower addition in the rear, which is used from top to bottom, on each floor, for closet and wash-room purposes. Two fine elevators carry passengers up and down, and on the whole the "old court house" is now a model of convenience and safety. The additions of 1884 cost, in round numbers, \$100,000. No bonds were issued by the commissioners to pay the expense of building, as at that time the money of the county lay idle in the treasury vaults, and the estimates were paid as fast as presented. The bonds which were issued to pay for the building of the "new court house" were all redeemed about five years ago, and there now remains not a single dollar of indebtedness on any of the county buildings.

THE NOTED CRIMINAL CASES.

NOTED CRIMINAL AND OTHER CASES.

W. R. ROSE.

“For twelve honest men have decided the cause,
Who are judges alike of the facts and the laws.”

—*William Pultney*, 1682-1764.

Naturally, the famous cases of a county, at least from the popular point of view, are the criminal cases. They are the cases involving most particularly the personal welfare of all the people. The attention of the public is riveted upon their details, and the verdicts are approved or condemned as they agree with or differ from the popular verdict, formed, probably, before the cases are brought to trial. The important civil suits do not excite this feeling. They may involve vast properties, and hinge upon points of law of great importance to the community, but they have not that direct personal interest for the mass of the populace which is drawn out by a trial for murder, or other serious criminal offense. It speaks well for the morality of Cuyahoga county that the noted criminal cases on the dockets of the courts are, as compared with the calendars of counties of relative importance, few in number. Lawlessness has ever been promptly checked within the county's borders, and the community has been fortunate in securing officials who were prompt and fearless in bringing evil-doers to justice.

During the eighty years' existence of the county, from 1809 to 1889, nine persons suffered the extreme penalty of the law. They were:

John, the son of Omic, hanged June 26th, 1812.

James Parks, hanged June 1st, 1855.

John W. Hughes, hanged February 9th, 1866.

Alexander McConnell, hanged August 10th, 1866.

Lewis Davis, hanged February 4th, 1869.

John Cooper, hanged April 25th, 1872.

Stephen Hood, hanged April 20th, 1874.

William Adin, hanged June 22d, 1876.

Charles R. McGill, hanged February 13th, 1879.

It will be seen that during the first fifty years of the county but two criminals were

hanged, while six were executed in the ten years from 1866 to 1876, and only one during the last twelve years (1889.)

The first judicial trial in Cuyahoga county was held in 1812. It was the trial of John, the son of Omic (the Beaver), a full-blooded Indian, who was charged with murder in the first degree. The court convened in the open air, at the corner of Water and Superior streets, in what is now the city of Cleveland, under a big shade tree. Judge Hitchcock presided, and Alfred Kelley, Esq., was the county prosecutor. The accused was charged, in the quaintly written indictment, with the murder of Daniel Buel, a white trapper, the crime being committed "with a certain Tomahawk made of iron and Steele." The killing was done on the third day of April, 1812, near Sandusky, and the accused had an accomplice in the act, Semo, a brother Indian, who, at the same time, shot and killed Michael Gibbs, also a trapper. The double crime was committed for the purpose of securing the outfits of the victims. Friendly Indians captured the murderers, but before they could be handed over to the pursuing whites, Semo committed suicide. The trial of Omic was of short duration, a verdict of guilty of murder in the first degree being speedily rendered. He was sentenced to be hanged on June 26th, 1812, and the sentence was carried into effect by Sheriff S. S. Baldwin, assisted materially by Major Carter, and the mollifying influences of a bottle of rum. The execution took place on the site of the present Public Square, and the dead malefactor was interred near the foot of the gallows.

For almost forty years after the execution of Omic the records of the county are free from criminal cases of any note. In 1846, James Finley was committed to the county jail on the charge of murder, and in 1848 Michael McAllister was charged with the same crime. Both cases, however, resolved themselves into manslaughter, Finley being sentenced to the penitentiary for ten years, and McAllister for fifteen.

In 1851, the long lull in the criminal annals of the county was rudely broken by the crime of Horace L. Brooks. It was a crime which promptly brought its punishment, and the outcome of the trial which fixed the guilt of the offender was greeted with general satisfaction. On a bright, moonlight evening, the evening of the 7th of May, 1851, a dummy engine on the newly-constructed Cleveland & Pittsburg railway was started from Newburgh for Bedford. The engineer was Joel C. Westland, and with him upon the engine were two young ladies, the Misses Kenyon, whom he was escorting to the latter-mentioned place. When opposite the Brooks farm the engine struck a tie, which had been placed in an upright position between the rails, and was overturned. Westland fell beneath it as it went over, and was instantly killed. One of the ladies escaped with slight injuries, the other was more severely hurt, but finally recovered. One of the first citizens to arrive at the scene of the accident was David L.

Wightman, Esq., a justice of the peace. He promptly measured the footsteps found upon the embankment, and, tracing them back, discovered that they led to the house of Horace L. Brooks, a farmer living close to the line of the road. The size of the tracks was found to correspond with those made by a pair of boots belonging to Brooks' brother, but which it was afterwards learned had been worn by Brooks himself on the fatal evening. This fact, coupled with Brooks' known enmity to the railroad, influenced the coroner's jury, Mr. Wightman acting as coroner, to charge him with being the cause of the engineer's death. He was indicted for murder in the first degree by a grand jury made up of the following citizens: Lewis Dibble, foreman; Philip C. Gordon, William K. Adams, Asahel Abell, Joel S. Giles, Jesse R. Freeman, Phineas Upham, Lewis How, Isaac W. Page, Rufus Dunham, William W. Williams, Benjamin S. Welch, Thomas Earle and Enos Hawkins. He plead not guilty, and was tried during the October term of the Common Pleas Court. The judges were: Philemon Bliss, Thomas M. Kelley, Quintus F. Atkins and Benjamin Northrop; the prosecuting attorney was Joseph Adams, and he was assisted by S. E. Adams and Franklin T. Backus. The attorneys for the defense were Stephen I. Noble and A. G. Riddle. Robert F. Paine was clerk of the court, and Alvah H. Brainard was sheriff. The venire for the jury included thirty-six of the most prominent citizens of the Cleveland of that day. They were: George Watkins, E. T. Sturtevant, E. H. Lacy, Alvin Hollister, Selden Osborn, Henry Church, Oliver Emerson, Samuel Stewart, William D. Eastman, Jesse Palmer, Joel Jones, Jonathan Pope, Edmund Fuller, Paul P. Condit, Jonathan Fish, S. B. Meeker, Willard Burnham, G. S. Rathbun, Henry Blair, Darius Ford, Nathaniel Austin, James Elwell, Lewis Umbstaetter, George Kirk, D. W. Duty, John A. Vincent, Phineas Dolloff, James F. Clark, Nathan Brainard, A. M. Perry, John McMullan, D. C. Doan, W. D. Eastman, Silas Belden, H. L. Noble, Mayne Potter, A. S. Gardner, Charles L. Camp, Daniel Sanford and Jesse Palmer. The first twelve, as above named, constituted the jury. The trial was conducted on both sides with great energy. On the part of the state the cumulative evidence adduced was almost unanswerable. It was shown that Brooks had freely expressed his desire to be revenged upon the railway company; that he had trouble concerning the line crossing a lane on his property, and that he had endeavored on several occasions to bribe various parties to do damage to the company's property. To all this the defendant's counsel offered a general denial, and desperately fought to break each link of the circumstantial chain. The charge of Judge Bliss was a masterly one, and the jury was out a little more than an hour, returning with a verdict of guilty of murder in the second degree. Brooks was sentenced, on November 6th, 1851, to the penitentiary for life, and to pay the costs, amounting to \$597.89. He was taken to the penitentiary on November 10th, and remained there

thirty-two years, dying of a lingering disease in July, 1883. The grave of his victim, the unfortunate Westland, with the head-stone setting forth the cause of his death, is in the Erie street cemetery, in the city of Cleveland.

Less than two years after the Brooks tragedy, the crime of James Parks furnished a new topic for public interest. Early in the Spring of 1853, the dead body of William Beatson, a young Englishman, who had recently come to this country, was found in a ravine, under a bridge, not far from Cuyahoga Falls. His head was almost severed from his body by some sharp instrument, and the money, all in gold coin, amounting to some \$900, which he was known to have carried on his person, was gone. He had been last seen in company with James Parks, a citizen of Cleveland, who bore a rather cloudy reputation. They were noticed drinking together and afterwards walking upon the railroad track. Diligent search was made for Parks. On April 9th, 1853, he was found in western New York by Deputy U. S. Marshal J. H. Tyler, and taken to Akron for trial. Several hundred dollars in gold was found upon him, and he was speedily indicted for murder in the first degree. At the trial his counsel set up the plea that both Parks and Beatson were drunk and fell through the bridge, Beatson being killed and Parks getting frightened and running away. Parks was found guilty, but, by the persistent efforts of his counsel, was given a new trial, a change of venue being granted to Cleveland. The trial, which by reason of numerous delays did not begin until the February term, 1855, excited the public interest to the highest pitch. He was tried before Judge Starkweather, County Prosecutor Samuel Williamson representing the state, assisted by County Prosecutor Sidney Edgerton, of Summit county. John Barr was clerk of the court, and M. M. Spangler, sheriff. Christopher P. Wolcott, Esq., appeared for the accused, the prisoner himself aiding in his own defense. The evidence against him was all of a purely circumstantial character, but it could not be successfully controverted, and after an exciting trial, in which the prisoner displayed much shrewdness, he was found guilty of murder in the first degree. A motion for a new trial was overruled, and Parks was sentenced to be hanged on June 1st, 1855. While confined in the county jail he made three attempts to commit suicide, and twice tried to escape. He was a man of some literary ability, and furnished one of the Cleveland newspapers with a long, rambling account of what purported to be his own adventures. He was executed by Sheriff Spangler on the day appointed, and died protesting his innocence of the crime charged against him.

In the early part of 1857, a remarkable case of mistaken identity attracted the attention of the public. It was that of a man calling himself James McHenry, who was arrested in the city of Cleveland, charged with being William Townsend, a notorious Canadian desperado and murderer, for whose apprehension a large reward was

offered. McHenry was an entire stranger in Cleveland, but had been identified by a Canadian resident as the great malefactor. The accused was taken before United States Commissioner John C. Grannis and examined prior to the issuance of the proper requisition papers by the Canadian authorities. A large number of witnesses were brought to the city, and with but one or two exceptions they positively identified the alleged McHenry as Townsend. Even in such minute details as scars there was a singular resemblance between the men. At the same time the witnesses admitted that in the color of the eyes, and the height of the forehead, and in the general expression of the features, McHenry was totally unlike Townsend. The accused was represented in Cleveland by attorney J. M. Jones. After hearing the testimony Commissioner Grannis granted the requisition, and McHenry was taken to Canada. His trial for murder, which took place at Merrittsville, proved to be one of the most famous legal events in the history of the Dominion. Both sides were represented by noted counselors, and many witnesses were summoned. After a long and exciting trial the jury acquitted the accused.

Through their political bearing, the Oberlin-Wellington rescue cases, tried in the United States Court in the city of Cleveland in 1859, assumed a national importance. They came at a time when the country was stirred to its core over the demands of the slave-holder, and they occurred in a section of the nation where such demands were held in the greatest abhorrence. They roused a feeling that was hard to control, and which at one time assumed an intensity that threatened ill for the peace of the community. Fortunately, however, wiser and cooler counsels prevailed, and the unfortunate spectacle of the Western Reserve arraying itself against the law and might of the nation was happily avoided.

Several slaves, the property of John G. Bacon, a resident of Kentucky, escaped from their owner in January, 1856. Among them was a black man called John. Information reached Bacon, in 1858, that this man was in the neighborhood of Oberlin, in the State of Ohio. Bacon accordingly duly empowered an agent, Anderson Jennings, to proceed to Oberlin and bring back his property. Jennings reached Oberlin in the latter part of September, and, by the aid of certain residents, discovered John's whereabouts and took possession of him. On September 15th, at Wellington, he was surrounded by a mob, estimated at one thousand persons, who took John from him and spirited him away. The matter was immediately placed in the hands of the United States authorities, and individual indictments against thirty-seven of the rescuers were filed on December 6th, 1858. These men were: Charles Langston, John Watson, John Copeland, Simeon Bushnell, Loren Wadsworth, Robert Windsor, James Sheppard, John H. Scott, John Mandeville, Ansel W. Lyman, Matthew DeWolfe, William E. Sinclair,

Jeremiah Fox, Henry Evans, Wilson Evans, David Watson, Eli Boyce, William E. Scrimger, Lewis Hines, James Bartlett, James H. Bartlett, Abner Loveland, Matthew Gillett, Walter Soules, Thomas Jena, William Sipples, Robert Cummings, Oliver S. B. Wall, Henry Wiles, Daniel Williams, Chauncey Goodyear, Franklin Lewis, William Watson, John Hartwell, Henry E. Peck, James M. Fitch and Ralph Plumb. They were brought to Cleveland, and on April 5th, 1859, the cases opened with the trial of rescuer Simeon Bushnell. The trial excited intense interest in the city, the court room was thronged with eager spectators, and the proceedings were hotly discussed by all classes. Judge Hiram V. Willson occupied the bench, the district attorney was George W. Belden, Esq., the clerk was F. W. Green, Esq., and the U. S. marshal, Matthew Johnson. J. D. Cleveland, Esq., and Charles Balfour, Esq., were the deputy clerks, and Lewis Dibble was court crier. George Bliss, Esq., assisted in the prosecution, and the defense was represented by a remarkably strong array of legal talent: attorneys R. P. Spalding, F. T. Backus, A. G. Riddle and S. O. Griswold. The offense charged against the defendants was "rescuing a fugitive from service," and under the existing laws the accused were clearly guilty. The evidence as to the rescue by force was unanswerable, and the efforts of the attorneys for the defense were confined to rendering the case as odious as possible to the community. Bushnell was tried by a struck jury, the trial lasting ten days. On Friday, April 15th, a verdict of guilty was returned. He was sentenced to pay a fine of six hundred dollars, and to be imprisoned in the county jail for sixty days. The verdict and sentence increased the popular indignation. To show how high this feeling ran, extracts from an anonymous letter written to Judge Willson, by some hot-headed sympathizer, during the progress of the Bushnell trial, are given below:

"Do you know that lynch law is to be the code after a few more days? I have long been your friend, I am still; but I have learned within three days that nothing but a standing army, and a constant body-guard for the rest of your life, will ensure your safety. * * * * The determination is to revolutionize and wipe out every miserable apostate to freedom. I learn that a thousand men, armed to the teeth, can be brought together at any moment. I am told that the best citizens of Cleveland are leaders in the movement, and that in many other towns organizations are being formed. It is claimed that you have so much respect for the institutions of the South that you cannot object to your fellow-citizens adopting this summary way of redressing their wrongs. * * * * I have now done a sacred duty I owe to you and your family, whom I have loved and cherished for many years. I have no sympathy with such a movement, but have only indicated to you what I have accidentally learned."

Luckily, the indignation of the citizens spent itself in talk; no overt act was com-

mitted, and the law took its course without obstruction. The case of Bushnell was hurried to the Supreme Court, but the decision of the judges was in accord with the verdict already rendered.

The second rescuer to be tried was Charles Langston, a young colored man attending the Oberlin College; and, though his conviction was looked upon as a foregone conclusion, his trial lasted fifteen days. The attorneys for the defense again distinguished themselves by their eloquent efforts, but without avail. The argument of the district attorney was even more bitter than at the first trial, the terms he applied to the "saints of the higher law," as he characterized the anti-slavery sympathizers, giving great offense. The charge of Judge Willson was based entirely upon the simplest interpretation of the law, and was beyond criticism. Before sentence was passed upon him, Langston addressed the court in a most impassioned plea. The surrounding circumstances, his color, and the sentiment of the hour, lent a remarkable dramatic interest to his remarks. The judge, in passing sentence, said that in view of the reasons advanced by the accused, his punishment should be lightened. He was fined one hundred dollars and costs and committed to jail for thirty days. The cases of the other rescuers were variously disposed of. A number of them were nolle, and the others ended in light fines and short terms of imprisonment.

The Benhoff murder case drew considerable attention in 1859, especially from the residents of the townships outside of the city. William Benhoff was indicted on November 8th, 1859, for the murder of Frank Weiger, both being residents of Dover township. He plead not guilty. Loren Prentiss, Esq., represented the state, and Messrs. Castle & Duncan appeared for Benhoff. It was shown during the trial that an old feud had existed between Benhoff and Weiger, and that they had violently quarreled. The accused was found guilty of murder in the second degree, and sentenced to the penitentiary for life. He commenced his term of imprisonment December 29th, 1859.

In 1860, a case which gained some notoriety, principally because a woman was on trial for her life, was that of William and Margaret Kelley, who were tried during the February term, 1860, charged with the murder of a woman named O'Malia. A. T. Slade, Esq., represented the state, and E. P. Slade, Esq., appeared for the defense. The accused were indicted for murder in the first degree on February 22d, 1860, and plead not guilty. Both were found guilty of murder in the second degree, and sentenced to the penitentiary for life.

What is generally referred to as the case of the slave girl "Lucy" created great excitement in Cleveland in the early part of the year 1861, and for a time threatened serious consequences. There had been several attempts to remove fugitive slaves from the city between the years 1850-1860, but the case of "Lucy" overshadowed them all

in the interest and indignation which it aroused. On the morning of January 19th, of that year, just at day-break, a posse of United States officers, headed by Seth A. Abbey, deputy U. S. marshal, forcibly entered the residence of Mr. L. A. Benton, on Prospect street, and removed from it his servant, a young molatto girl named "Lucy," whom a man named Goshorn, a resident of Wheeling, Va., claimed as his runaway slave. She was placed in charge of the sheriff, and lodged in the county jail. As soon as her arrest was generally known throughout the city, great excitement ensued. A mob of persons gathered about the jail and made threatening demonstrations. Messrs. R. P. Spalding, A. G. Riddle and C. W. Palmer, acting as the girl's attorneys, made an immediate application for a writ of habeas corpus. Probate Judge Tilden rendered his decision Monday morning, January 21st. He decided that the sheriff, as an official, had no right to detain the prisoner, and ordered her release from his custody. She was then taken in charge by the United States marshal, who found it necessary to swear in one hundred and fifty deputies to assist in preserving the peace. Several overt acts were committed by the mob while the prisoner was being removed to the government building, but no serious outbreak occurred. It was evident, however, that it would only have required a slight cause to have precipitated a savage riot. In the proceedings before U. S. Commissioner Bushnell White, it was soon shown that the defense had no case. The owner of the girl clearly proved his claim to her, and, though he was offered at least twice the market value of the slave, he refused to accept the money, and persisted in removing her to his home. Surrounded by the marshal's deputies, she was taken to the train, and despite the numerous threats of rescue, was safely conveyed to Wheeling. Mr. Benton retained Messrs. Spalding, Riddle and Palmer, and began proceedings against the United States officers for forcibly entering his house, but the case was dropped when the Rebellion broke out,—only a few weeks later.

In 1865, the case of Dr. John W. Hughes, tried for the murder of Miss Tamzen Parsons, was the criminal event of the year. Much public sympathy was expressed for the unfortunate man, yet the verdict condemning him to the gallows was felt to be a just and deserved one. In 1864, Hughes had wooed and won Miss Tamzen Parsons, a young woman residing in Bedford, in Cuyahoga county, and, after marrying her, had removed to Pittsburg. Almost immediately the bride discovered that she had no legal right to her married name, Hughes already possessing a wife and three children. The unhappy woman at once left him and returned to her friends in Bedford. Hughes was prosecuted and sent to the penitentiary for bigamy. In March, 1865, he was pardoned out and came to Cleveland. On the 8th of August of the same year he engaged a carriage and was driven to Bedford. The morning after his arrival, the morning of Wednesday, August 9th, he went to the house of the friend where Miss Parsons was

stopping, and demanded to see her. She came out on the porch and he begged her to live with him again. She indignantly refused to parley with him, and he at once drew a revolver and shot her twice, the second shot proving fatal. He then took flight, but was pursued and captured. He was indicted for murder in the first degree on November 25th, 1865, the trial commencing December 7th. He plead not guilty, and was defended by attorneys M. S. Castle, W. S. Kerruish and R. E. Knight. Judge J. B. Coffinberry was on the bench, and C. W. Palmer, Esq., was the prosecuting attorney. The plea set up by the defense was hereditary insanity, and a determined fight was made for his life. Hughes was a fine-looking man of much intelligence, of about thirty-five years of age, well built, and possessing none of the characteristics of an ordinary criminal. The efforts of his counsel, and the favorable effect he personally made, however, could not save him. He was found guilty of murder in the first degree on December 22d, 1865, and was sentenced on December 30th to be hanged on February 9th, 1866. The sentence was carried into effect on that day by Sheriff Felix Nicola.

The murder committed by Alexander McConnell, on Saturday, March 24th, 1866, had little or nothing to relieve its brutality. On that day he killed the wife of his employer, Mrs. William Colvin, with an ax, partially concealed her body, robbed her trunk of a few simple valuables, and fled to Canada. Colvin lived four miles from Olmsted Falls, and had a contract for furnishing wood for shipment. He had hired McConnell as a chopper, and the latter had committed the murder while his employer was absent in the woods. The woman's body was discovered on the second day after her disappearance, near the Colvin cabin, and Colvin was arrested for the crime. McConnell was suspected, however, and on April 3d was captured in Ottawa, Canada, by detective John Odell. He was indicted on May 18th for murder in the first degree, his trial commencing June 23d. Judge Horace Foote presided, and M. S. Castle, Esq., represented the state. Albert T. Slade, Esq., was assigned by the court to assist the prosecuting attorney, and attorneys C. W. Palmer and Robert E. Knight were assigned to defend the accused. The counsel for the defense fought vigorously for every point of vantage. They realized that they had a most unpromising case, and this fact was enhanced by the unfavorable impression created by their client's appearance. Great trouble was experienced in securing an unprejudiced jury. But one verdict was looked upon as possible, and that verdict came. McConnell was found guilty, and a motion for a new trial being speedily overruled, was sentenced to be hanged on August 10th, 1866. The sentence was duly carried out on that day by Sheriff Felix Nicola.

From the fact that a woman's life was at stake under somewhat extraordinary circumstances, the trial of Mrs. Sarah Maria Victor drew to it more or less of the public attention of the nation. The unnatural crime with which she was charged, together with the

attendant circumstances, made the case, in many respects, one of the most remarkable in the criminal annals of the state. Mrs. Victor was about thirty years of age, when, on February 5th, 1868, she was arrested, charged with murdering her brother, William Parquette, just a year before. Parquette, a young man of twenty-nine, had died on February 4th, 1867, with the symptoms of arsenical poisoning. He had his life insured for \$2,200, and held an accident insurance policy for \$1,500, both made in favor of Mrs. Victor. The life insurance was paid to her. Her arrest was prompted by the charges of a sister, who prevailed upon the authorities to take the matter in hand. In February, 1868, the body of Parquette was exhumed, and traces of arsenic were found in it. Mrs. Victor was indicted for murder in the first degree, and her trial began on Wednesday, June 10th, 1868, before Judge Horace Foote. The state was represented by County Prosecutor J. M. Jones, assisted by Homer B. DeWolf, Esq., and the defendant's counsel included attorneys M. S. Castle, R. P. Ranney, C. W. Palmer and J. M. Coffinberry. The evidence produced by the state was lacking in many particulars, but it was skillfully put together, and no effort of the defense could break it down. The motive for the crime, shocking as it seemed to be, was established, and the details of its execution were pieced out in a convincing manner. One remarkable feature surrounding the case was the fact that the general public felt but little interest in having Mrs. Victor convicted. She was a woman—a weak, hysterical woman, and this alone made her an object of sympathy. Her trial was attended by many friends, and her demeanor and actions during its progress were calculated to increase the abhorrence for inflicting the penalty of the law upon her. Toward the close of the proceedings, which abounded in dramatic episodes, she seemed to lose consciousness of what was transpiring about her, indulging in frequent weepings and faintings, and filling the air with wild moanings. This, however, came to be generally looked upon as an effort to aid the work of her counsel. The trial closed Tuesday, June 24th, 1868. The jury was out a little less than six hours, returning with a verdict of guilty of murder in the first degree. On July 3d, she was carried into the court room and sentenced to be hanged on August 20th, 1868. Much to the relief of many people, the sentence was suspended by Governor R. B. Hayes, and the date of execution changed to November 20th. Following this suspension came a commutation to imprisonment in the penitentiary for life. She was removed to Columbus, November 25th, 1868, where she remained in confinement almost twenty years, being pardoned out by Governor Foraker in 1886.

The trial of John Cool, the Newburgh butcher, who brutally murdered his two children, was brought to a sudden and tragic close. Cool was indicted for murder in the first degree on June 30th, 1868, and plead not guilty. On July 6th his trial began. The state was represented by County Prosecutor J. M. Jones and Assistant Prosecutor

H. B. DeWolf, and the defense by attorneys Loren Prentiss, William Robison and C. W. Palmer. On the second day of the trial, the prosecutor announced to the court that the accused had committed suicide in his cell the night before. The jury was then discharged, and the cause dismissed.

At the November term, 1868, James English and John Whitmore were tried for the murder of a man named Hoban. It was a brutal and cowardly affair, and public feeling was entirely against the prisoners. The state was represented by Prosecutor J. M. Jones and assistant H. B. DeWolf, and the defense by attorneys M. S. Castle, William Robison and H. C. Bunts. Both of the accused plead not guilty. English was found guilty of murder in the second degree, and was sent to the penitentiary for life; Whitmore was found guilty of manslaughter, and received a two years' term in the penitentiary.

No other suit on the records of Cuyahoga county has been conducted with so much bitterness, nor for so long a period, as that of *Benton vs. Wade*. It was an action for heavy damages growing out of a remark thoughtlessly dropped by the defendant, and maliciously conveyed to the plaintiff by a mischief-breeding tale-bearer. During the tedious progress of the case every possible delay was taken advantage of, and for ten years it held the attention of the courts. The plaintiff's attorneys were C. W. Palmer, R. P. Ranney, H. D. Dennis and H. B. DeWolf; those of the defendant were J. M. Jones and Stevenson Burke. The original petition was filed July 17th, 1868, and the case called before Judge Samuel B. Prentiss at the November term of court. Twice continued, it was at last brought to trial and a verdict given for plaintiff of \$5,000. Then motions for a new trial, appeals, and petitions in error kept it alive for eight years more. In 1872, the District Court affirmed the judgment, with costs. Finally, in 1878, the Supreme Court, by a mandate, ordered the cause dismissed and stricken from the docket.

In the swiftness and heaviness with which the hand of justice fell upon the guilty ones, the case of the murderers of David P. Skinner has been rarely paralleled. There were six men directly connected with this crime; of this number, one was hanged; one twice convicted of murder in the first degree and then imprisoned for life; two received long terms of imprisonment, and the other two, in consideration of their adding to the state's evidence, were sent to the penitentiary for seven years each. Their crime is briefly outlined: David P. Skinner was a milkman and farmer, living in Independence township, seven miles from Cleveland, near the canal at the eight-mile lock. On Saturday evening, September 12th, 1868, he was reclining upon a lounge in his sitting room, and in the apartment were six other persons, his family and several neighbors. Suddenly two strange men forced their way into the room, and one of them, advancing

to Skinner, pointed a revolver at him. Skinner partially rose from his reclining position, when the revolver was discharged and he was mortally wounded, dying a few minutes later. Two more shots were fired, and the men beat a retreat. There was a brief struggle as they left, but they successfully resisted detention and disappeared in the darkness. The alarm was instantly conveyed to the city, and every effort made to capture the offenders. County Prosecutor J. M. Jones, and his assistant, H. B. DeWolf, vigorously co-operated with the police authorities in ferreting out the murderers. A slight clue, furnished by a man well known to the police as an intimate of criminals, led to important results. In a few hours Lewis R. Davis, Robert McKenna and John Butterfield were under arrest, charged with being in the party that went to the Skinner house for the purpose of robbery. It was soon known that Robert Folliott and Thomas Mulhall were also of the party, but they contrived to escape from the city and were not captured until some months afterward. John Kilfoyle, who had not accompanied the gang, but was proved to have made all the arrangements for the robbery, was also arrested later on. These men were speedily indicted, the trial of Lewis R. Davis being the first taken up. It commenced on Monday, November 16th, 1868, before Judge S. B. Prentiss. Attorneys S. E. Adams, T. J. and J. J. Carran appeared for the accused, and the prosecution was conducted by County Prosecutor J. M. Jones, and the assistant prosecutor, H. B. DeWolf. The dramatic point in the evidence was reached when Robert McKenna swore that Davis fired the fatal shot. John Butterfield corroborated this testimony, and the doom of Davis was sealed. The jury was out for eighteen hours, bringing in a verdict of guilty of murder in the first degree. Davis was hanged by Sheriff John N. Frazee, on February 4th, 1869. Thomas Mulhall was twice convicted of murder in the first degree, but his sentence was commuted to imprisonment for life. John Butterfield, Robert McKenna and William Folliott, tried for assault with intent to rob and kill, and for aiding to commit murder, were found guilty, the two first being sentenced to the penitentiary for seven years each, the latter for twenty years. John Kilfoyle, tried for aiding and abetting Lewis Davis and others to commit a robbery, and defended by attorneys S. E. and Joseph Adams, was sent to the penitentiary for fifteen years. In this thorough way was the murder of David Skinner avenged. No series of trials held in this county gave the community greater satisfaction, or more thoroughly exemplified the majesty of the law.

During the May term, 1869, James H. Brown was tried for the murder of his wife. Brown was a resident of Berea, a man of respectability, and well connected. In middle age he married a woman whose acquaintance he made through the medium of a newspaper advertisement. He became devotedly attached to her, and when she showed symptoms of tiring of him, his grief and jealousy were apparent to the neighborhood.

After a brief married experience she left him, and rumor connected the cause with a certain man whose attentions to her had been marked. Brown sought the earliest opportunity of confronting her and demanding that she return to him. He called her to the door of the house where she was temporarily stopping, and pleaded with her to come back. She refused, and slammed and locked the door. He ran swiftly around the house, entered it by the back door, and, meeting Mrs. Brown, shot her dead. He was arraigned for murder in the first degree. At the trial the state was represented by Prosecutor J. M. Jones and assistant H. B. DeWolf, and the defense by Gershom M. Barber, Esq., and Sherlock J. Andrews, Esq. The evidence showing premeditation was clear and conclusive, but the element of sympathy entered into the jury's verdict, and Brown was found guilty of murder in the second degree. He was sentenced to the penitentiary for life.

A case which appeared to be absolutely devoid of all interest for the public was that of William Schallenberg, who was tried in December, 1870, for the murder of Anna Keding. Both were of low and dissolute character. He had wilfully deserted a wife and several children, and married the woman who afterwards became his victim. She had borne an unsavory reputation before she met him, and was unfaithful to him afterwards. He had taxed her with her intimacy with other men, and had solemnly warned her of the vengeance he would take. She heeded not, and, on the night of September 25th, 1870, after meeting her in the company of two men, he shot her to death. Then he fled, but was captured two days later. His trial took place before Judge Robert F. Paine. M. S. Castle and J. W. Towner appeared for the defense, and the prosecution was conducted by Prosecuting Attorney E. P. Slade. The trial was brief, the character of the accused handicapping the efforts of his counsel from the start. Schallenberg was found guilty of murder in the first degree on December 10th, 1870, and sentenced to be hanged on May 18th, 1871. The sentence was commuted to imprisonment for life.

A case which appealed more or less to popular sympathies was that of Dr. Jay F. Galentine, who killed Dr. William F. Jones, on Saturday morning, October 8th, 1870. The homicide took place in a block on the corner of Pearl and Detroit streets, in the city of Cleveland. The weapon used was a revolver, the victim dying within a few minutes after receiving the fatal bullet. No one saw the shooting, and Dr. Jones expired without making any ante-mortem statement. Dr. Galentine claimed that Dr. Jones had seduced his wife, and this theory was generally accepted by the public. Both were young men. Galentine was a dentist, and only twenty-four years of age, and Jones was looked upon as a rising physician. The indictment charged Galentine with murder in the first degree, and was filed November 14th, 1870. He plead not guilty. His counsel was Samuel E. Adams, Esq., and Prosecuting Attorney E. P. Slade, assisted by A. T.

Slade, Esq., represented the state. Galentine's appearance in court materially aided his case. He had the air of a man who felt that in avenging his honor he had done a commendable thing. His counsel made the most of his powerful line of defense. His argument was strong and pathetic, and the jury evidently felt its weight, for their verdict was a reflex of the popular sympathy with the accused. Galentine was found guilty of manslaughter, and was sent to the penitentiary for a term of ten years.

A thrill of popular sympathy ran through the community on February 17th, 1871, when the particulars of the shooting of Major Julius G. Fisk, by Jennie Droz, were fully understood. She claimed that he had seduced her, and then cast her off, treating her not only with cruelty, but had also entailed upon her the most shocking consequences. Filled with desperation she had secured a revolver and gone out to Rocky River, where Fisk was in charge of a hotel. It was the night of February 16th, 1871. She had found Fisk, and made an appeal for aid. She claimed that he had heartlessly repulsed her. She then shot him dead, and, driving back to the city, gave herself up to the authorities. She was indicted for manslaughter on May 12th, 1871, pleading not guilty. Her counsel were S. E. Adams, Esq., S. Burke, Esq., and R. E. Davidson, Esq. The case was called at the May term before Judge Horace Foote, County Prosecutor E. P. Slade, assisted by A. T. Slade, Esq., appearing for the state. It was continued to the November term and then nolle.

In 1873, Stephen Hood, a colored man, was tried for the murder of his step-son, a boy known as Green Hood. He was supposed to have taken the boy into the woods on the flats in the south part of the city, and there beaten him to death with a club. He was indicted on November 10th, 1873, and plead not guilty. Prosecuting Attorney Homer B. DeWolf represented the state, and Messrs. John P. Green and William Clark were assigned as counsel for the defendant. The trial took place before Judge Robert F. Paine. The evidence against Hood was apparently conclusive, but the motive for the deed was entirely lacking. It was proved that he had shown great affection for the boy on numerous occasions, and his counsel stoutly contended that he must have been temporarily insane at the time of the commission of the deed. Notwithstanding their efforts, however, he was found guilty of murder in the first degree, and sentenced to be hanged on April 29th, 1874. Attorney John P. Green, of his counsel, vigorously interceded with Governor William Allen, for commutation, but in vain, and Hood was hanged on the day named, by Sheriff Pardon B. Smith.

During the November term, 1871, John Cooper, a colored man, was tried for the murder of an aged tinsmith by the name of Swing, also colored, whose place of business was on Cedar avenue, in the city of Cleveland. The murder was committed for the purpose of robbery, and was brutal in the extreme. Immediately after its commission

Cooper fled to Xenia, and was there apprehended, the watch of the murdered man, which he had pawned, leading to his capture. He was indicted on November 28th, 1871, and plead not guilty. Edwin P. Slade, Esq., represented the state, and attorneys M. S. Castle and Isador Roskoph were assigned as counsel for the defendant. After a brief trial, he was found guilty of murder in the first degree and sentenced to be hanged April 25th, 1872. The sentence was carried into effect on that day.

In 1873, what is known as the Solon tragedy, attracted the public attention. George McConnonghy, of Solon, an eccentric man who lived in a hermit-like way in a lonely log-house, was shot and killed on January 8th, 1873. The murder was committed for the purpose of robbery. Albert W. Chamberlain, also a resident of Solon, a youth of nineteen years, of only moderate intelligence, was arrested and charged with the crime. He was indicted on February 12th, 1873, and plead guilty. He withdrew this plea, and, pleading not guilty, was tried in June, 1873, before Judge Paine. He was found guilty of murder in the second degree, and sentenced to the penitentiary for life.

On November 19th, 1873, John Swede *alias* John Johnson, was arraigned for the murder of Andrew Johnson, on August 1st, 1874. The crime was committed in the village of Glenville, the victim having been employed in that neighborhood in railway work. The trial took place before Judge Darius Cadwell, with prosecutor William Robison representing the state, and attorneys M. S. Castle and Alva Benjamin assigned as counsel for the defendant. The circumstantial evidence against Swede was overwhelming, and he was found guilty of murder in the first degree, and sentenced to be hanged on April 28th, 1875. The sentence was commuted by Governor William Allen, on April 24th, 1875, to imprisonment for life.

One of the most frightful crimes that has ever been noted in the criminal annals of the state, was the triple tragedy enacted by William Adin on the morning of December 4th, 1875. Adin, an expressman by occupation, a man of moderate intelligence, but of most ungovernable temper, suddenly appeared on the above morning at the residence of Mr. George L. Benton, No. 900 Forest street, in the city of Cleveland, and at once began a frightful assault with a hammer upon his step-daughter, Hattie McKee. Mrs. Benton attempted to interfere, and Adin attacked her also. Leaving both women unconscious upon the floor, and satisfied that the fatal work was accomplished, the murderer returned to his home on the corner of Scranton and Starkweather avenues. Here he was pursued and captured, when it was discovered that he had also killed his wife with an axe, evidently having committed this crime before starting out to kill his step-daughter. He was indicted on January 8th, 1876, and plead not guilty. His trial began on February 26th, Judge Hamilton presiding. County Prosecutor S. M. Eddy represented the state, and the accused was defended by attorneys A. T.

Brinsmade, C. M. Stone and Henry McKinney. Insanity was the theory of the defense. The trial lasted eight days, the jury coming in on the morning of Sunday, March 5th, with a verdict of guilty of murder in the first degree. Motion for a new trial was overruled, and Adin was sentenced to be hanged on June 22d, 1876. The sentence was carried into effect on that day by Sheriff A. P. Winslow.

For deliberate brutality, the crime committed by Charles McGill, on Sunday afternoon, December 2d, 1877, stands almost alone. On that day, at 100 Cross street, in the city of Cleveland, he shot and killed a woman known as Mary Kelly. He claimed that jealousy was the cause of his act. He fired seven shots from a revolver into her body, and then reloaded the weapon and fired three more. He made no resistance when arrested, and seemed to think he had done a laudable act. He was arraigned December 7th, 1877, and his trial took place in the following February, before Judge E. T. Hamilton. John Hutchins, Esq., and E. J. Blandin, Esq., were appointed to assist County Prosecutor S. M. Eddy, and S. E. Adams, Esq., was assigned as counsel for the defense, with William Robison, Esq., as additional counsel. The defense was based on the alleged insanity of the prisoner, and every possible proof that could be adduced, from the testimony of experts down to the actions of the prisoner himself in court, was made the most of. Throughout the trial the accused kept up a constant by-play, supposed to be confirmatory of the fact of his insanity, but which was looked upon as considerably overdone. At least, the jury seemed to consider it so, for, on February 28th, they brought in a verdict of guilty of murder in the first degree. Motion for a new trial was overruled, and McGill was sentenced to be hanged June 26th, 1878. An appeal was made to the Supreme Court, and that body reversed the judgment of the lower court for error in impanelling jury. On October 16th, 1878, the new trial commenced. A. T. Brinsmade, Esq., was assigned to assist S. E. Adams, Esq., in the defense, and John Hutchins, Esq., appeared as additional counsel for the state. On October 26th, McGill was again found guilty. He was hanged by Sheriff John M. Wilcox, February 3d, 1879.

The crime of Louis Noller, who killed his father, Gottlieb Noller, on Tuesday morning, October 22d, 1879, was not of a character to appeal very strongly to popular interest, and yet it excited considerable attention. The crime took place in the Noller home, near Strongsville Center, fifteen miles from Cleveland. The murderer was a fine-looking young man of twenty-three, who had been on bad terms with his father for some time. The quarrel was over money matters, and the old man was understood to have kept a sum which Louis claimed as his and frequently demanded. On the night before the murder, Louis had gone to the home of his parents, and entered through the window, as he was frequently in the habit of doing. His father roused up and found

him in the house, and a heated quarrel followed. Louis claimed that he shot his father in self-defense. In the melee, he severely wounded his mother, and also hit a half-witted brother. After the shooting, he fled to Cleveland, and was captured near the Union Depot. He was indicted on November 5th, 1879, pleaded not guilty, and his trial began in March, 1880, before Judge Darius Cadwell. The line of defense pursued by his counsel, John C. Hutchins, Esq., was to the effect that the shooting was entirely unpremeditated, and was in fact done in self-defense. The quarrelsome disposition of the murdered man helped this theory, but the jury rendered a verdict on March 11th, of guilty of murder in the second degree. Noller was sentenced to the penitentiary for life.

The case of Frank Alloys Fritz, indicted in September, 1881, for the murder of George Williams, on June 25th, 1881, was eagerly watched by the general public. Fritz was only a boy, and his crime was committed without the slightest provocation. He had entered the restaurant kept by Williams, on Superior street, in the city of Cleveland, and, after ordering and eating a meal, had deliberately shot the proprietor. He was indicted on September 7th, 1881, and plead not guilty. The trial was postponed, and continued through several terms, until finally, on June 9th, 1888, a nolle pros. was entered. The proceedings began before Judge Henry McKinney, with Prosecutor Carlos M. Stone and Assistant Prosecutor P. H. Kaiser representing the state, and attorneys John C. Hutchins and Sam M. Eddy appearing for the defense. Fritz's lawyers claimed that he was insane, and he strengthened their arguments by suddenly going into a hysterical condition in the court room. This brought the trial to a close, and he did not again appear in court. He was removed to an insane asylum, where he soon developed insanity of a violent type.

Through the mystery surrounding it, and the singular characteristics of the principals involved, the Wheller case deserves to rank with the most celebrated causes of the legal history of the county. Some time during the night of Friday, November 12th, 1886, Mrs. Jane Wheller, an aged woman residing at No. 49 Eagle street, in the city of Cleveland, was murdered. The crime was made known on the morning of the next day by her husband, Benjamin S. Wheller, who claimed that late on the preceding evening the house had been entered by felonious parties, who had assaulted, bound and gagged him, and left him unconscious, and that he had not recovered his senses until morning, when he was finally able to release himself and give the alarm. Mrs. Wheller's death was caused by blows of some dull weapon striking upon her head, and she had evidently been dead for a number of hours. Her husband exhibited a black eye, and other traces of hard usage. There was considerable money and other valuable personal property in the house, but this was apparently undisturbed. The motive for

the crime was clearly missing. Mr. Wheller strenuously insisted that he had recognized in one of the assailants Patrick Graves, a former tenant, with whom he had recently had trouble, and the police authorities placed Graves under arrest. Following this, Wheller himself was locked up, very grave suspicions being aroused by the singular story he told. Both of the Whellers had passed four-score years, and were known throughout the city for the eccentricity of their habits. By the closest economy they had amassed large fortunes, each one holding property separate from the other. They were extremely penurious in their domestic life, each being understood to live apart from the other in the matter of eating and drinking, yet no one could testify that they actually disagreed. Altogether, the case was wrapped in a profound and impenetrable mystery. The coroner laid the crime upon the old man, and, after a long and painstaking examination in the Police Court, he was bound over by Judge Frank H. Kelly, on the charge of murder. Pending his indictment, however, he was admitted to bail. The grand jury indicted him for manslaughter, and he was tried before Judge John W. Heisley, in June, 1887. W. S. Kerruish, Esq., and S. Q. Kerruish, Esq., represented the accused, and Alexander Hadden, Esq., was the prosecuting attorney. The efforts of the state to fix the crime upon the old man proved unavailing. The lack of motive, and the extreme age and feebleness of the accused, were strong testimonials in his favor. After a trial, lasting seven days, he was found not guilty, and went forth a free man. Out of the Wheller tragedy grew the damage suit of Patrick Graves, against Benjamin S. Wheller, the former claiming \$125,000 as a recompense for the damage done him by Wheller's unjust charge that he (Graves) was guilty of the murder. The case was tried before Judge E. T. Hamilton, the jury bringing in a verdict for Graves on one count in the charge, that of malicious prosecution, and assessing moderate damages. The verdict was set aside by Judge Hamilton on the ground that if there was malicious prosecution, there must also be libel—the second count in the charge. Before the case could be brought to trial the second time, Graves privately, and without the knowledge of his attorneys, compromised the matter for a comparatively small sum.

At the January term, 1887, Alfred Smith was tried for the murder of Louisa J. Wilson, on January 31st, 1886. The crime was committed in what was known as the Crocker Block, a building on Superior street, in the city of Cleveland, opposite the City Hall. On the day mentioned, Smith had murdered Louisa J. Wilson and his wife, and then attempted suicide. He was tried a year after the commission of the crime. His plea was not guilty, and he asserted that he had killed the woman in self-defense. Prosecutor Alex. Hadden, and assistant C. W. Collister, appeared for the state, and Sam Eddy, Esq., and H. J. Ewing, Esq., represented the defendant. Smith was found guilty of murder in the second degree, and sent to the penitentiary for life.

At the January term, 1887, William J. McFarland was tried for the murder of his infant daughter, Gertrude, aged three years. His crime was a particularly heartless one, and the popular feeling was strong against McFarland. He plead not guilty, and the case was tried before Judge C. M. Stone, the state being represented by Prosecutor Hadden and assistant Collister, and the defense by ex-Judge Henry McKinney and V. H. Burke, Esq. The theory of the defense was the insanity of the defendant. He was acquitted and removed to the City Infirmary.

At the April term, 1888, William Kline was tried for the murder of a colored man named Talbot, the crime occurring in the livery-stable of a man named Fox, situated on Cedar avenue, in the city of Cleveland. It was shown that Kline had gone to the place to assault Fox, against whom he had made threats of violence. He had fired a revolver at Fox, and the shot had killed Talbot, an employe, who was standing near by. He plead not guilty, alleging that he had shot at Fox in self-defense. The trial took place before Judge Hamilton, Prosecutor Hadden and assistant Collister representing the state, and attorneys H. J. Ewing and S. E. Adams appearing for the defendant. Kline was found guilty of murder in the second degree, and was sentenced to the penitentiary for life.

The will forgery case against Mary E. Breck, L. A. Breck, and J. H. Corbett attracted much attention from both the public and the legal profession. In some of the points involved, they were without precedent in the courts of the county. Mary E. Breck and L. A. Breck were tried at the January term, 1888, before Judge Lamson, the defendants being represented by attorneys Sam Eddy, N. A. Gilbert, V. P. Kline, and M. B. Gary. The trial lasted four weeks, and both defendants were found guilty. The case was appealed to the Circuit Court, and then to the Supreme Court, the judgment of the lower court being confirmed in both. For the appeal, the defendants' counsel were strengthened by the addition of J. B. Burrows, Esq., and Arnold Green, Esq. Each of the Brecks was sentenced to four years' imprisonment in the penitentiary. J. H. Corbett was tried at the January term, 1889, and found guilty. He was sentenced to two years' imprisonment in the penitentiary.

What is familiarly known as the Ammon-Blann case attracted considerable attention throughout the country in 1888, owing to one peculiar feature connected with it. Josephine Blann, a person of unsound mental condition, had a considerable amount of property left her by her parents, both of whom were dead. She was under the charge of a guardian, to whom it was alleged she had taken a violent dislike. Mrs. Josephine Ammon, a resident of Cleveland, with whom the young woman Blann boarded, openly sympathized with her, and was suspected of having aided her to hide herself when the guardian demanded her presence. At any rate, Josephine Blann suddenly disappeared,

and the most persistent search by the sheriff and his deputies failed to reveal her whereabouts. Mrs. Ammon was summoned before Judge E. T. Hamilton, and, failing to satisfactorily answer certain questions concerning Miss Blann's disappearance, was committed to jail. She was represented in these proceedings by E. J. Estep, Esq., while ex-Judge J. M. Jones and attorney T. H. Johnson had the guardian's interests in charge. A shower of sympathy fell upon Mrs. Ammon from all parts of the nation. Newspapers throughout the country took the matter up and magnified its features. Among the agitators of her own sex, Mrs. Ammon was looked upon as a martyr, and the victim of an obsolete law. In some way her enforced retirement from the world was connected with the disfranchisement of woman and the inferior legal rights of the sex, and countless addresses and sermons were evolved from this text. The weeks that Mrs. Ammon spent in durance vile made her a comparatively famous woman. Finally, upon the advent of a new probate judge, Henry C. White, Esq., the imprisoned heroine consented to purge herself of her contempt, and Josephine Blann was produced in court. She had been in hiding at a small farm-house in an adjoining county. Probate Judge White ended the case by placing the young woman in the keeping of a trustworthy family, and allowing her property to remain in the charge of attorney T. H. Johnson.

In 1889, at the January term of court, Frank Morris was tried for the murder of James Handy, the crime occurring on Factory street, in the city of Cleveland. The murder was a deliberate and brutal one, and no sympathy was given the accused. He plead not guilty, alleging self-defense as the cause of the killing. He was defended by Sam Eddy, Esq., and Wilbur Parker, Esq., the state being represented by Prosecutor Hadden and assistant Collister. Morris was found guilty of murder in the first degree, and sentenced to be hanged. He was removed to Columbus, where his sentence was commuted, by Governor Foraker, to imprisonment for life.

As an evidence of the community's fearlessness of expression, and promptness to resent unjust imputations, the numerous libel suits which thickly adorn the records of Cuyahoga county bear ample witness. A few of these are private scandals, magnified by the courts into public by-words, but most of the libelous causes are to be laid to the extreme independence of the untrammelled press. In the earlier days of the county, the citizen who considered himself the victim of newspaper criticism did not resort to the slower methods of legal compensation, but descended forthwith upon the editor, and, with force of arms, did the scribe, or his business paraphernalia, much grievous injury. There are two instances prior to 1850 where newspaper outfits in Cuyahoga county were completely destroyed by enraged citizens suffering from libelous smarts. In April, 1851, editor J. W. Gray, editor of the Cleveland *Plain Dealer*, by process of law, recovered \$37.50 damages because of a thrashing he received from an indignant reader.

Early in 1852, the *True Democrat* accused Colonel Harris, editor of the Cleveland *Herald*, of rifling a mail bag, in order to obtain a copy of the President's message in advance of his journalistic rivals. Colonel Harris promptly brought suit for libel, a retraction followed, and the matter was dropped. In January, 1859, editor Horace Greely sued editor J. W. Gray, of the *Plain Dealer*, for \$10,000 damages. Editor Gray had charged that Greely was bought up in the Buchanan presidential campaign. As Greely lectured in Cleveland shortly after the suit was commenced, the libel proceedings were looked upon as an excellent advertising scheme. The case was privately compromised. To enumerate the multitudinous libel cases which have grown out of newspaper utterances in this county would require a bulky volume. The aggrieved parties have represented almost every walk in life; they have included county and city officials, contractors, editors, lawyers, preachers, an alleged count, a base-ball umpire, and a number of the fair sex. In very few of the suits have damages been obtained, and, when awarded, they have usually been merely nominal.

The records of the county contain the history of many important civil suits, suits involving vast interests and vital issues, suits in which the most able legal talent has wrestled over knotty points of difference, suits in which great corporations and widely-known citizens have striven to adjust their alleged grievances. In many instances, the importance of these cases has not been realized by the general public, and only in the legal fraternity has their true significance been appreciated. Most of these suits have turned upon the judicial interpretation of a single point of law, and exhaustive opinions, of much weight and value, have been handed down from the bench of the county. To write the history of even a few of the most important of these, would be to produce a volume of great value—a task beyond the purpose and space of the work now in hand.

MISCELLANEOUS.

CLEVELAND LEGAL WRITERS AND WRITINGS.

There may be room for the inquiry why the Cleveland bar, with its unusual array of talent, should have contributed so little to the stores of legal knowledge that appear in calf upon the library shelves. To this we reply that the contribution of Cleveland talent of permanent knowledge is none the less that it does not appear in book form. If Cleveland lawyers have written few volumes themselves it is because they have been too busy furnishing the materials for others to write, in careful study of disputed points, in close comparison of authorities, in nice weighing of arguments—in short, because they have been too busy in the successful conduct of cases to devote their time to authorship. Where works have been prepared by our own writers, however, though in all cases the work of preparation has been carried on in the press of active practice, it has been of a character so uniformly high and accurate as to leave no doubt that our Cleveland lawyers might have won as abundant laurels in this as in other fields, if they had chosen it.

Probably the best known among the legal writings belonging to the Cleveland bar are the works of Gen. J. J. Elwell and of Judge G. M. Barber. For his work on Medical Jurisprudence, Gen. Elwell brought a peculiar fitness, gained in the active practice of medicine and surgery for over ten years previous to his study and practice of law. In the opening chapter, the author has laid down the general principles of law applicable to medical responsibility. Then in a series of chapters, the difficulties peculiar to the medical practitioner, what he can do and what he cannot do, are set clearly forth. The subjects of amputations, fractures and dislocations, out of the treatment of which grow the great majority of malpractice suits, are taken up and fully and carefully discussed. Among other topics of special value in the work, which cover the entire range of medico-legal subjects, are those of Medical Evidence; Testimony of Experts; Medical Works as Evidence; Poisoning and Insanity.

Judge G. M. Barber has found time, in the midst of his busy life as judge and as an active practitioner, to give to the public two most careful and valuable works. The first, called "The Book of the Law," was written, as the author himself says, "for the people and not for lawyers. Its mission is to place within the reach of every intelligent

person of ordinary education the means of the knowledge of the government under which he lives, and the principles of law to which he is subject and by which he is governed." To this end there has been an avoidance of technical terms, and an effort to make the statement of propositions in popular language while keeping them exact to the letter. The work covers a wide field, and includes all the transactions and relations of life in their legal aspect. For such a work as this, Judge Barber has had advantages over other writers. In early life a professor in a college, where his education became practical, as well as thorough; later, entering the army, he went through all the grades up to the office of brigadier-general. Then, returning to the bar, he built up a business as extensive and diversified as any one man could have. In 1873, he began a judicial career which lasted thirteen years, during which period he was called upon to decide nearly 10,000 contested questions of law arising out of actual transactions.

Says a prominent member of the Cleveland bar, himself an author, of Judge Barber's work: "It covers more ground than any other book of its kind. * * * * From the universally important domestic relations, the work goes through to the broad principles of international law. It states, with exactness, the rights of capital and labor in the chapter on Master and Servant. It explains all kinds of corporations, and gives the best information I know of on religious and other societies, organized for purposes other than profit. The law governing negotiable instruments is stated with such practical clearness that any one can understand it. The law of contracts, so important everywhere, is fully explained, and the leading principles laid down in unmistakable terms. * * * * The book is condensed from thousands of printed volumes, and its statements are unsurpassed for clearness and accuracy."

Judge Barber's second work is called "A Guide for Notaries Public and Commissioners," and is a complete hand-book of their powers and duties, with all necessary forms and instructions. The volume contains in small compass the statute law of Ohio, and also the general principles of law relating to the several matters within the scope of the duties of notaries public and foreign commissioners. The work was published in 1887, and has already passed through its second edition.

Messrs. Norton T. Horr and Alton A. Bemis, of the Cleveland bar, have recently issued a very valuable work—the first of its kind, on "Municipal Police Ordinances." Many questions arise in the drafting of municipal ordinances as to the precise extent to which certain powers of police regulation may be exercised, and upon which very little authority could heretofore be readily found. Except in those cities and towns where the municipal council has the assistance of regularly employed legal advisers, the limits of lawful legislation are apt to be exceeded. Questions of this nature, too, are seldom adjudicated in courts of last resort—seldom, at least, with reference to the impor-

tance of the interest which they may affect. This book shows concisely and clearly the extent to which police regulation may be exercised, under general and special powers, and formulates rules that will be applicable in determining the validity of police ordinances. Of this work, the *Nation* says: "This volume, which seems to be well and thoroughly done, will be found of great use by those who are concerned with the making and interpretation of the local legislation of our towns and cities."

Some years ago, while clerk of the Supreme Court of Ohio, Mr. Arnold Green published a work on Ohio Supreme Court Practice, which set forth the provisions of the constitution of Ohio relating to the judiciary; the statutory enactment relating to the organization of the Supreme Court; the reservation of cases to it for decision; the election and appointment of its officers with their duties, and much other valuable matter in regard to the practice of the Supreme Court.

"Ohio Corporations other than Municipal" is the title of a volume by Messrs. A. T. Brewer and G. A. Laubscher, much used and highly valued as a work of reference. Its scope covers the constitutional and statutory provisions of Ohio relating to private corporations, together with notes of important decisions, and forms for organizing, and a code of regulations and by-laws for managing all kinds of companies and associations.

Messrs. C. F. Morgan and Thomas B. Hall have also written legal works that are well and widely known, the former a Manual of Ohio Practice, and the latter on Patent Estate.

In addition to the volumes already referred to, there has been attempted, from time to time, the publication of legal journals and records, some of which prospered for several years, while others never outlived the first trying year of their existence. The first publication of this kind was put forth in 1856, under the name of the *Cleveland Law Record*, with Judge J. P. Bishop as editor. The venture was not well sustained, not so much, it appears, from lack of interest in the members of the bar as from lack of time to devote to its somewhat hazardous fortunes, and after issuing two very creditable numbers, the *Record* was declared moribund. The next attempt was more successful. This was the *Western Law Monthly*, published from January, 1859, until October, 1863, under the management of Chester Hayden, J. J. Elwell, M. A. King and W. P. Edgerton. This was a general legal periodical, with leading articles of much merit contributed by the leading men at the bar, and with full reports of important cases. It had the largest circulation of any legal periodical in the West at that time. Since the death of this publication, no legal journal of that kind has been established, although two attempts have been made to establish a legal paper that should fully report and preserve the records of important cases. The first of these was known as the *Cleveland Law Reporter*, and was under the management of J. G. Pomerene. It was published

weekly, for one year, from January, 1878, to January, 1879. The last venture rose at once to the dignity of a daily, and was issued under the title of the *Daily Court Record*, from November, 1885, to October, 1887, when its owners, Messrs. Chandler and Bowers, were obliged to abandon it.

As has already been said, the bar of Cleveland is noted for its ability in the actual practice of law rather than for the number of legal works it has given to the world, and yet, where such work has been done, in every case it has been of more than ordinary excellence, indicating on the part of those who have taken part in it the possession of wide learning, careful judgment, and in many cases, real literary skill.

THE CROWELL LAW SCHOOL.

The Crowell Law School, as it was commonly called in Cleveland, was incorporated in 1855, in Poland, Ohio, under the name of the "Ohio State and Union Law College." At its head was Judge Chester Hayden, a man widely and favorably known throughout Ohio, not only for his legal ability, but for his lofty character, and courteous, kindly manner. In 1857, the college was removed to Cleveland, and at that time there became associated with Judge Hayden, J. J. Elwell and W. P. Edgerton, as instructors. This arrangement continued until the opening of the war, when Messrs. Elwell and Edgerton went into the army, leaving Judge Hayden to carry on the work alone. After a few years' prosperous management, Judge Hayden found that, with advancing years, he was no longer equal to the demands made upon him, and he therefore disposed of the enterprise to Gen. John Crowell, together with a remarkably fine library, the personal property of Judge Hayden. The college was continued in its rooms, in Rouse Block, under the management of Gen. Crowell, and taking its name from him, was best known in the city as the Crowell Law School, although it appears never to have parted with the more pretentious dignity of its incorporated title. It was during these years that the school was most prosperous and became most widely known. Gen. Crowell employed as lecturers the best legal talent of the city, and an examining board was appointed to pass judgment on the fitness of its graduates for admission to the bar. In the daily papers of that time we find, each year, long accounts of, and favorable comments on, the commencement of the college. The classes were of good size, fifteen or twenty being the usual quota graduated at each commencement, and the quality of their work was up to the average, certainly, if not beyond it. Many of its graduates



J. Steph

are now prosperous and useful members of the bar in Ohio, and elsewhere. After several years of successful conduct, Gen. Crowell was compelled, through bodily infirmity, to give up the school, and as no one appeared to take it out of his hands, it was allowed to drop out of existence. There is ample assurance among the older members of the Cleveland bar that the school was ably conducted, and graduated men able to hold their own with the students of the older and better known institutions.

Gen. John Crowell was born at East Haddam, Connecticut, in 1801. In early boyhood he removed to Ohio, where the family settled at Rome. He attended the country schools about Rome and then attended for three years an academy in Warren, Ohio. Here he began the study of law and was admitted to the bar. He also purchased an interest in the *Western Reserve Chronicle*, which he conducted for several years. In 1840, he was elected to the Senate of Ohio, and six years later was elected to Congress on the Whig ticket, Hon. R. P. Ranney being his opponent. In Congress he was made a member of the committee on claims and on Indian affairs. After his retirement from Congress, he resumed the practice of law, and in 1862 became president of the Ohio State and Union Law College, which he held until 1876, when failing health compelled him to resign. Gen. Crowell was also editor-in-chief of the *Western Law Monthly*, published in Cleveland, and was lecturer to the Homeopathic Medical College, receiving the honorary title of M. D. He served in the state militia for nearly twenty years, rising to the rank of major general.

THE CLEVELAND LAW COLLEGE.

The Cleveland Law College was incorporated January 5, 1882. The incorporators were as follows: Rufus P. Ranney, Henry McKinney, Jarvis M. Adams, Daniel R. Tilden, James M. Jones, Edwin T. Hamilton, Samuel Williamson, George Willey, Samuel E. Williamson, Stevenson Burke, George T. Chapman, Wm. J. Boardman, Jonathan E. Ingersoll, James D. Cleveland, Amos Denison, Henry C. Ranney, Virgil P. Kline, Charles E. Pennewell. Elected subsequently: Homer Goodwin, Sandusky; Wm. H. Upson, Akron; C. H. Scribner, Toledo; John C. Hale, Cleveland; R. A. Harrison, Columbus.

Board of Trustees: Rufus P. Ranney, president; Amos Denison, secretary and treasurer; E. T. Hamilton, S. E. Williamson, C. E. Pennewell, Geo. T. Chapman, J. D. Cleveland, Virgil P. Kline, Jarvis M. Adams.

Pursuant to arrangements made by the trustees, a preliminary course of lectures was given during the Winter of 1885-6, Judge E. J. Blandin ably acting as dean, and Amos Denison as secretary and treasurer. Following is a list of lecturers, with the special branches of law presented by each: Constitutional Law, Hon. R. P. Ranney; Real Property, Hon. S. E. Williamson; Agency, W. E. Cushing, Esq.; Contracts, A. Squire, Esq.; Pleadings, Common Law and Equity and Code, Hon. S. O. Griswold; Shipping and Admiralty, John G. White, Esq.; Equity Jurisprudence, J. M. Henderson, Esq.; Wills and Administration of Estates, Hon. C. E. Pennewell; Domestic Relations, Hon. W. W. Boynton; Criminal Law and Procedure, H. B. DeWolf, Esq.; Evidence, Hon. E. T. Hamilton; Negotiable Instruments, Hon. J. E. Ingersoll; Partnership and Bailments, Hon. F. J. Dickman; Corporations—Private and Municipal, Hon. G. M. Barber; Torts, Negligence, Virgil P. Kline, Esq.; Patent Law, Gen. M. D. Leggett.

These lectures were delivered in the old court house, and were attended by a large number of law students. A moot court was also held once a week, students having access to the law library. So successful was the experiment, and so able and instructive were the addresses, that a committee, consisting of Judges Williamson, Blandin and Hamilton, and Amos Denison, Esq., was appointed to take the necessary action looking to the permanent organization of a law school. The matter has since been held in abeyance, but the organization is still maintained, though quiescent.

CITY ATTORNEYS—CITY SOLICITORS—CODIFICATIONS.

From 1836 to 1889, a period of fifty-three years of municipal existence, the city has been served by some twenty legal gentlemen in the office of city attorney or city solicitor. City attorneys were elected by the council for the term of two years, until 1851, when, by law, they were elected on the general municipal ticket. They not only advised the council, prosecuted and defended civil suits of the city, but were also prosecuting officers for violation of the penal ordinances in the Police Court.

Beginning in March, 1836, the following names of city attorneys are embraced in the municipal records, in the order of their succession, and for two-year terms: Henry B. Payne, Moses Kelley, George A. Benedict, Bushnell White, Jos. Adams, Bushnell White, Jabez W. Fitch, John Coon, Bushnell White, John W. Heisley, Charles W. Palmer, Merrill Barlow, John C. Grannis, R. B. Dennis, A. T. Brinsmade and T. J. Carran. In 1873, a law was enacted providing for the election of a city solicitor and a

prosecuting attorney of the Police Court. W. C. Bunts was the first city solicitor elected under the new arrangement. In April, 1875, William Heisley succeeded to the office, and served the two-year term, when the legislature, in 1877, increased the term of office to four years. Mr. Heisley was re-elected his own successor, and thus served six consecutive years. In 1881, Geo. S. Kain was elected, and served one term of four years, and was succeeded by Allan T. Brinsmade, in 1885, who served a term of four years, and was re-elected for another full term from April, 1889.

During the first thirty years of municipal existence, and even down to as late as 1870, the necessities for municipal legislation were comparatively little. The few ordinances that were passed from year to year had some three or four times been compiled and published in book form; first, by Mr. White, in 1842; by Mr. Barlow, in 1862; by Mr. Dennis, in 1868, and by Mr. Bunts, in 1872. But during the preparation and immediately following the publication of the last volume, the rapid increase of population, great enterprises and improvements entered upon and undertaken, enlarged municipal powers granted by the legislature, official duties to be defined, police and market regulations, fire department, crimes and misdemeanors to define and provide penalties therefor, that in less than five years so many new ordinances, changes and amendments had been made, that the last volume was practically valueless for reliable reference.

Thereupon a new and complete codification was ordered by the council, during the solicitorship of Mr. Heisley, and under his direction, of all ordinances in force of a general nature, and in a supplement thereto to be printed all the special ordinances of a permanent nature, such as street railroad grants, etc. The work was assigned to F. T. Wallace, assistant city solicitor, who produced the first thorough codification of the ordinances ever undertaken, bringing all scattered new ordinances and amendments of years, each into its proper chapter and place, with sections numbered anew, and a complete index. The work was reported, approved and published in 1877. But the mills of the council, unlike those of the gods, grind exceeding fast, even if they do not always produce the finest flour—so fast indeed that in 1882 the volume of 1877 had become as valueless to the council and city officials as the Book of Mormon—there was much more outside than inside. Thereupon the council employed John F. Weh, Esq., an accomplished lawyer, and late assistant city solicitor, to codify the ordinances anew. This he did in an admirable manner. His volume, published in 1882, is much increased in bulk over the former, and he made an admirable improvement over all former volumes by adopting the plan followed in the federal and state revised statutes in the use of continuous section numbers.

And now, seven years having elapsed, the last volume is already in the decrepitude of old age, and needs the rejuvenating elixir.

CLEVELAND'S FIRST WOMAN LAWYER.

Mrs. Mary Paul Spargo Fraser was born in Cleveland, Ohio, in 1856, and received her early education in the Cleveland public schools. Her first thought of taking up the law, as a profession, grew out of a reading established between Mrs. Fraser, then Miss Spargo, and an invalid friend. Blackstone was one of the writers taken up, and, interested at first only in interesting her friend, Miss Spargo soon became conscious of an awakening interest in the study of law for its own sake. Gradually the wish to know more of the subject hardened into a purpose to do so, and, in 1882, at the suggestion of Messrs. Morrow & Morrow, the Cleveland attorneys, Miss Spargo entered their office as a student.

It was during these years that she had her first experience of the legal disabilities of women. In order fully to perform her duties as office assistant to Morrow & Morrow, she applied for a commission as notary public, but met with a refusal, the statute allowing the appointment of women to this office being declared unconstitutional.

In 1885, she was admitted to practice by the Supreme Court of Ohio, and opened an office in Cleveland. Of course, she found impediments; they are not wholly unknown to young lawyers of the sterner sex, most of whom practice law for the first few years as Bill Nye declares he once did, "in a surreptitious kind of way."

There were disabilities, however, which none but a woman could know. Foremost among these was the inconvenience caused by her inability to act as a notary public, a difficulty which any lawyer will appreciate without further elaboration. It was Miss Spargo's intent and expectation that her clientage would be among her own sex. But while her practice is and has been largely among women, yet it has been by no means confined to them; neither has it confined itself to a round of clerical or subordinate duties. It may be said, with entire justification, that, in the four years of her practice, Mrs. Fraser has managed and settled as great a variety of cases as usually falls to the lot of any young attorney.

"I have spoken of difficulties," said Mrs. Fraser to the writer, "and there have been such, but I believe they have been only those that are incident to pioneer work in any direction, and could not have been avoided. Certainly they have not been the result of any lack of cordiality and courtesy on the part of the Cuyahoga county bar. For the interest, encouragement and confidence in which my fellow-workers have never failed toward me, I am heartily grateful. I count myself fortunate, also, in having the

confidence of my women-clients, both personally and professionally. It is a good thing to have the confidence of good women." How truly Mrs. Fraser has the confidence of her own sex let the words of another woman, written of Mrs. Fraser, show: "Equipped by nature with a fine appearance, clear intellect, pleasant address, and conscientious integrity of character, Mrs. Fraser began her practice with a full armament, and justly earned the courtesy and encouragement she has received. * * * * Mrs. Fraser has taken high rank among the best minds in all advanced questions. In her personality, she is a standing refutation of the tradition that a woman who enters a profession need suffer any loss of dignity, refinement or womanly taste." In 1886, Miss Spargo was married to Mr. W. D. Fraser, of Cleveland.

COURT STATISTICS.

UNITED STATES COURT.

Judge—Howell E. Jackson, Nashville, Tenn.

Judge—Augustus J. Ricks, Cleveland, Ohio.

District attorney—R. S. Shields, Canton, Ohio.

Assistant district attorney—S. D. Dodge, Cleveland, Ohio.

United States marshal—Benj. F. Wade, Toledo, Ohio.

First deputy marshal—George Wyman, Cleveland, Ohio.

Clerk United States Courts—Martin W. Sanders, Cleveland, Ohio.

The eastern division of the Northern District of Ohio, which is also known as the sixth circuit, comprises the following counties: Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull and Wayne. The offices of the United States Court are in the government building, on the Public Square, and in this building the several terms of the Federal Court are held. On June 30th, 1889, 46 cases were pending in the District Court, and 250 in the Circuit Court, embracing cases of law, chancery, admiralty, etc.; 79 cases were disposed of in the Circuit, and 31 in the District Court, and 91 cases were begun in the former, and 66 in the latter. The criminal cases disposed of in the United States Court for the year ending June 30, 1889, include 9 arrests for violations of the internal revenue law; nearly all of the accused have been convicted and given thirty days in jail. Five counterfeiters, one of whom is now serving four years in the penitentiary. Two, for stealing United States

property, were convicted and sentenced to jail. Six, for robbing United States mail, and six for other offenses in the post-office department, were arrested, and four convicted. One, for robbing the post-office, is serving one year in the work-house. One, arrested for sending a "White Cap" message, was discharged. One, arrested for passing counterfeit money, was discharged. One, arrested for personating an officer, still in jail. One, arrested for resisting an officer, on bail. The United States commissioners for the eastern division are, J. N. Alexander, of Van Wert, O.; Charles Balfour, of Cleveland; O. C. Beattie, of Cleveland; Albert E. Lynch, of Cleveland; Ernest Baldwin, of Cleveland; Martin A. Sanders, of Cleveland; A. J. Williams, of Cleveland; Halle W. Brown, of Toledo; B. M. Clen Deming, of Celina; James W. Stein, of Bellefontaine; N. H. Bostwick, of Chardon; Clarence Brown, of Toledo; Allen M. Cox, of Conneaut; James J. Clark, of Canton; Robert H. Hedges, of Mansfield; Asahel W. Jones, of Youngstown; Henry C. Jones, of Salem; Charles W. Johnston, of Elyria; Frank E. Meade, of Lima; Henry Newbeggin, of Defiance; Frank B. Swayne, of Toledo.

CUYAHOGA COMMON PLEAS.

Judge—Edwin P. Hamilton.

Judge—Carlos M. Stone.

Judge—Alfred W. Lamson.

Judge—Conway W. Noble.

Judge—William B. Sanders.

Judge—George B. Solders.

Clerk—Levi E. Meacham.

The five court rooms in which are tried the vexatious and never-ending civil law suits of the county, including cases of equity and divorce, are located in the old court house, on the Public Square, and are of easy access by means of two elevators, which are almost in constant motion during the daily sessions of the court. During the year ending August 1, 1889, 2,020 civil actions were disposed of; 1,240 new cases were begun, and 2,125 separate suits await the action of the Common Pleas bench in the future. During the past year, 540 judgments for money only were rendered; 140 decrees for foreclosure where money was involved, and 224 decrees of all kinds not stated. The judgments rendered during the September term, 1888, aggregate \$437,391. Those of the January term, 1889, \$415,442, and those of the April term, 1889, \$388,597, a grand total of \$1,241,430. On July 1st, 1888, 678 divorce cases were pending, of which 349 were decided during the year, and 329 are still pending; 143 were begun by the husband, 535 by the wife; 75 alimony suits were begun by the wife; 28 divorces were granted the husband, 11 refused, and 22 dismissed; 244 were allowed the wife, 14

refused, and 30 dismissed. The causes for which these separations were asked, are as follows: 321 for absence and neglect, 168 for cruelty, 124 for drunkenness, 52 for infidelity, 1 for fraud, and 12 for miscellaneous causes.

CRIMINAL COURT.

Prosecuting attorney—Alex. Hadden.

Assistant prosecuting attorney—C. W. Collister.

Assistant prosecuting attorney—T. K. Dissette.

The Criminal Court, which is held on the second floor of the new court house, on Seneca street, is presided over by one of the common pleas judges, who follow each other every alternate term—for instance, the judge holding court in the criminal room during the September term goes to room No. 1 the following term, and the judge in court room No. 5 goes into the criminal room. Appended is a statement of the Criminal Court for the year ending June 30, 1889: 95 persons were indicted for crimes against the person. Murder in the first degree constitute three of these. Of the prisoners charged with murder, one was convicted, one acquitted, and one is awaiting trial. Among the indictments were three for murder in the second degree, and four for manslaughter. Two of the men who committed the latter crime are now serving terms in the penitentiary. Three men were charged with attempted criminal assault, and eight for criminal assault. Three of these are now serving the state, one case was nolle, and the others are awaiting trial. Thirty-one men were tried for pocket-picking, of whom thirteen were convicted and sent to Columbus. Four were sent to the reform farm, and five to the work-house. Five cases against pick-pockets were nolle; four, who were indicted for this crime, were acquitted, and four went to jail. One man was convicted of maiming, and sent to the work-house, and twenty-eight were tried for assault with intent to kill; five were sent to the penitentiary, six to jail, and four to the work-house; four other cases were nolle, and nine will be tried at the coming term. Of the eighteen men who were indicted for assault with intent to rob, three were sent to the work-house, one to jail, one was fined, one case nolle, and the remainder are yet to be tried. One prisoner was convicted of pointing fire-arms, and two were to be tried for assault and battery, one for child stealing, and one for black-mail. Sixty-three prisoners were indicted for offenses against property. Of those tried for burglary and larceny, twenty-six were sent to the penitentiary, eight to the work-house, four to the reform school, and two were fined. Four acquittals were secured, and ten cases were nolle. Four persons, indicted for arson, are yet to be tried. Only one of the eight prisoners indicted for embezzlement was tried. Thirty-three persons were indicted for grand larceny, and fourteen were sent to the penitentiary, six nolle, and ten await trial.

Five of the seven men charged with petit larceny were convicted, one was acquitted, and one indictment nolle. Six were indicted for horse stealing, two were sent to the penitentiary, two to jail, one was fined, and one remains to be tried. The fines assessed in the Criminal Court for the year aggregate \$945, of which \$160 was collected. The costs which were charged to the defendants were \$10,702, of which \$833 only has been collected.

PROBATE COURT.

Judge—Henry C. White.

The Probate Court, which is characterized by ex-Judge Daniel R. Tilden as the most important of all the judicial machinery, for "you are brought there when you are born, come there when you are married, and are conveyed there after you are dead," holds sessions daily during the year, except Sundays and legal holidays, on the first floor of the new court house. During the year ending June 30, 1889, 1,348 new cases were commenced in this court, and 295 aliens became naturalized citizens of the United States. For the year ending March 31, 1889, 298 wills were probated, 330 letters of administration, and 176 letters testamentary were issued, 231 guardians were placed in charge of 356 children, 28 insane people, and 22 imbeciles; 85 males and 64 females were committed to the insane asylum, 5 girls were sent to the industrial home at Delaware, Ohio; 2,015 couples were licensed to marry, and 600 couples were married by banns. The number of deaths during the year in the city and county were 4,635; number of births, 8,255; excess of births over deaths, 3,620.

THE COUNTY JAIL.

This massive structure of stone, iron and glass, which stands between the old and the new court houses, at the north-west corner of the Public Square, is now in charge of Sheriff Erasmus D. Sawyer, with Major W. R. Ryan as chief deputy and clerk. The sheriff's report for the year ending June 30, 1889, shows that the entire number of prisoners who have been registered in the turnkey's office, during the period named, is 744. There were 561 white males, and 157 white females, in addition to 25 colored males, and 1 colored female. The whole number of prisoners in the jail, on the date the report was filed, was 24, three of whom were females. The cost of boarding the prisoners during the year was \$6,360.50, or fifty cents per day for each person.

MUNICIPAL COURT.

The Municipal Court is held daily at the Central Precinct Police Station, on Champlain street, with Judge Frank H. Kelly on the bench. The rapid growth of the city, and the great increase in crime incident thereto, renders it necessary to hold daily sessions of court the entire year through, and it is also customary for the police judge to

visit the Central Station Sunday mornings, and pass sentence on the light offenders who are willing to plead guilty. To relieve this overcrowded condition of the court, a branch court room is being erected on Detroit street, on the West Side. The work of the Municipal Court for the year ending December 31, 1888, the date of the last annual report, is as follows: The whole number of persons arrested was 8,737, of whom 7,607 were men, and 1,130 women; 8,494 of the prisoners were white, and 243 colored; 3,470 were married, and 5,267 single; 8,069 could read and write, and 668 were unable to do so; 1,946 of these arrests were made for state offenses, and 6,791 for violations of the ordinances of the city. Among the former, 444 were charged with petit larceny, 391 with assault and battery, 207 with intoxication at their homes, for which the state fixes a fine of \$5 and the costs; 151 persons were arrested for violating the Sunday liquor laws, 118 for stealing rides on railroads, 82 for burglary and larceny, 13 for burglary alone, 20 for cutting to wound, 4 for cutting to kill, 6 for murder, and 5 for manslaughter. The crimes for which the remainder are apprehended embrace nearly all in the calendar. In the city cases, 4,753 were arrested for intoxication, 428 for disturbance, 392 for disorderly conduct, 140 for vagrancy, 75 charged with suspicion, 152 for residing in disorderly house, 151 for visiting the same; 45 common beggars were arrested during the year. The ages of those arrested are as follows: 42 under ten years, 1,270 from ten to twenty, 3,128 from twenty to thirty, 2,126 from thirty to forty, 1,364 from forty to fifty, 555 from fifty to sixty, 252 sixty and over. The following is the disposition of cases: 37 were sent to the house of refuge and correction, 181 were bound over to the Common Pleas Court, 570 were committed to the work-house with fines, 5,644 were convicted with fines and costs, 800 were dismissed, 856 were fined the costs, 516 were nolle, 28 bonds were forfeited, 28 prisoners were delivered to officers from abroad, 8 committed to the House of the Good Shepherd, 15 were committed to the infirmary, 9 were committed to the reform farm, 11 were delivered to the sheriff, 3 to the United States authorities, and 31 cases were continued; 1,452 of the prisoners, who were sentenced to a fine and the costs, were unable to pay the same, and were sent to the work-house; 1,669 men and 353 women were sent to the work-house, and 37 prisoners were sent to the house of refuge and correction, making a total of 2,059. The fines and costs collected during the year aggregate \$33,712.95, of which amount \$29,688.25 was collected by the clerk of the Municipal Court, and \$4,024.70 by the superintendent of the work-house.

THE FOREST CITY LYCEUM.

Between the years 1854-1860, there existed in the city of Cleveland, a club of young men of literary tastes, who had banded themselves under the euphonious title of The Forest City Lyceum. All of them were young and ambitious, and most of them were law students. A common desire for self-improvement, through mutual intercourse, drew them together; the Lyceum was the result. With but few exceptions, they were youths who had professional careers in view, and the little audiences that listened to their soaring flights of oratory were but prophetic foreshadowings of the mighty gatherings to come. The convincing arguments of the moot court, the unanswerable logic of the debate, were, to the minds of these ambitious young wranglers, but stepping-stones to pulpit, bench and editorial chair. Their work was not, however, confined to the narrow limits of the club room. They organized themselves into a lecture bureau, and gave the citizens of Cleveland the opportunity of listening to some of the most famous speakers of the day. For young men, this involved considerable responsibility and financial outlay, but they successfully carried through all that they undertook. Possibly, in their long list of lecturers, the two men who attracted the largest audiences were Thomas Francis Meagher, the Irish patriot, and Thomas H. Benton. The first lectured in Brainard's Hall, on Superior street, and the second in Garrett's Hall, at the junction of Euclid avenue and the Square. Both houses were packed, and the Lyceum committee on lectures was warmly congratulated. But success did not attend all of these ventures. The Cleveland Library Association came into the lecture field, and the lecture market became somewhat overstocked. The Lyceum knew no discouragement, however, and clung through thick and thin to its ideal of literary usefulness.

The first meeting-place was in the old Rockwell street school house, on the corner of Rockwell and Bond streets, and here, in 1854, once a week, the young men met, and made the walls resound with debate, oration and essay. The room in the school house was only occupied a few months, and then the Lyceum secured a new and more permanent habitation on the west side of Ontario street, between the Square and Champlain street. This eligible club room was shared with a Sons of Temperance society, the Lyceum occupying the apartment once each week, and the temperance organization using it the balance of the time. As one of the old members of the Lyceum remarked: "It was a flow of water six nights in the week, and a flow of spirits only one." But the flow of these spirits was not of a harmful kind. It was the natural outpouring of the fount of buoyant youth. Its waters were tinted with the

brightest of hopes and aspirations, and overhung by the rose-colored canopy that spans the horizon of opening manhood.

Possibly, in some forgotten hiding place, the records of the Lyceum are securely laid away. Could they be discovered, they would afford much curious and interesting reading. The roll of members would be found to include many names which are now honored and familiar. During the period of its existence, the Lyceum gathered within its fold a large number of the brightest and best of the younger men of the city, and a complete roll of the organization is not in existence; the members were constantly coming and going, some allying themselves with it for only a brief period, and but a few remaining with it from the inception to the close. It is possible, however, to name a number of the members, and, as will be seen, they include a singularly numerous array of citizens who have attained to more than the average fame which falls to mortal lot. They are :

W. E. McLaren, a law student and a writer on the Cleveland *Plain Dealer*; afterwards an Episcopalian rector in charge of Trinity parish, in the city of Cleveland, for several years, and now (1889) an honored bishop of the Protestant Episcopal church.

Orlando J. Hodge, a law student; since then a member and speaker of the Connecticut legislature, president of the Cleveland city council, speaker of the Ohio legislature, and an editor and publisher of some note.

Charles G. Finney, Jr., a son of the famous president of Oberlin College; successively lawyer, editor and railroad president.

William S. Kerruish, law student; since then one of the most distinguished members of the Cuyahoga county bar, and a gentleman of extensive literary attainments.

Charles Farrar Browne, a news writer on the Cleveland *Plain Dealer*; afterwards known to two hemispheres as Artemus Ward.

Benjamin F. Peixotto, a law student and occasional newspaper and magazine contributor; since then United States consul of Roumania, consul to St. Petersburg, and consul to Lyons, France; now (1889) practicing law and editing an Israelitish magazine in the city of New York.

John B. Burton, who adopted journalism as a profession, and was editorially connected with one of the leading New York papers.

Henry G. Perry, who became a prominent Episcopal rector; now (1889) located in Chicago.

W. S. Cadman, a law student; afterwards removing to Chicago, and establishing an excellent legal practice.

Thomas A. Stow, then connected with the Cleveland *Plain Dealer*; remaining with that paper for many years, and up to the time of his death.

B. F. Loomis, law student ; afterwards a journalist of national reputation ; one of the leading editorial writers of the country ; connected with the Cincinnati *Commercial* and other papers.

Thomas Kean, law student ; afterwards for many years connected with the Buffalo *Courier*.

Rufus Wright, who became an artist of considerable note throughout Northern Ohio.

John T. Philpot, law student ; admitted to the bar with unusual honors, elected justice of the peace in Cleveland, enlisted at the breaking out of the war, elected captain of a company, and was killed by a cannon ball at the battle of Resaca.

Isaac C. Vail, law student ; afterwards a lawyer of high promise ; elected justice of the peace in 1856, elected judge of the Police Court in 1857, enlisted in the army in 1861, was made a captain, and died in the South of disease contracted in the service.

Joseph S. Grannis, law student ; afterwards a lawyer of acknowledged ability ; for a number of years a citizen of Kansas, now (1889) practicing his profession in the city of Cleveland.

O. D. O'Brien, one of the Lyceum's most active members ; afterwards for many years identified with railway work.

James M. Jones, law student ; afterwards a prominent member of the Cuyahoga county bar ; candidate for police judge while still a young man, elected prosecuting attorney of Cuyahoga county, elected judge of the Superior Court of Cleveland, elected Common Pleas judge, serving on the Common Pleas bench for ten years.

George T. Chapman, afterward a professor in Kenyon College, then a member of the Ohio legislature, and now (1889) a well-known member of the Cleveland bar.

Timothy McGillicuddy, who became an engineer, and was afterwards quartermaster-general of Ohio.

P. W. Gardner, who removed from the city of Cleveland to the interior of the state, soon after his Lyceum connection, now (1889) the western agent of one of the largest religious organizations in the East.

Henry M. Chapman, afterwards a member of the Ohio legislature ; now (1889) a prominent fruit cultivator residing in Euclid, Cuyahoga county.

C. W. Clisbee, law student ; since then a noted member of the bar, elected to the Michigan legislature, and afterwards reading clerk of the United States House of Representatives.

Henry E. Howe, then a student in the law office of Sherlock J. Andrews, Esq. ; for many years a member of the Lucas county bar, elected police judge of Toledo.

G. S. Wheaton, since the Lyceum days, for many years a prominent business man and real estate operator of the city of Cleveland.

The foregoing is, of course, an incomplete roster of the Lyceum *personnel*, but it serves to show that many of its members—most of them, in fact—became conspicuous in public life, a large proportion achieving more than ordinary distinction. Can it be doubted that the exercises conducted by these ambitious young literary giants were of a spirited nature? Foremost in the debates, the favorite relaxation of the society, were members Loomis, and Finney, and Jones, and Kerruish, and McLaren, and many an important question has been thoroughly and unanswerably settled in that dingy, old Ontario street room. There were other members scarcely less active than the foregoing, and no problem too abstruse, no question of the day too puzzling, could be found to daunt those ambitious and aggressive youngsters. Much good grew out of all this. It developed and encouraged literary tastes, and it taught the young men self-confidence. On the outside, it met the warm approval of citizens generally, and the society was looked upon as an organization worthy of the kindest fostering care. The Forest City Lyceum may justly be credited with laying the foundation stones for the Cleveland Library Association, afterwards the Case Library.

Toward the beginning of the new decade, 1859-60, the Lyceum showed symptoms of approaching dissolution. The old members, those who had nourished it with the sap of enthusiastic youth, were turning their attention to more serious matters, and the younger members were fickle and inconstant in their devotion. The end came in a way which would have done credit to a band of Roman stoics.

There was a modest sum of money in the Lyceum treasury, and a number of the members, probably foreseeing that the organization's last gasp could not long be staved off, suggested that a banquet be given with the slender hoard. Bitter opposition arose. A grand pow-wow followed. The reserve resources of oratory were called forth for and against the proposition. It ended in the banqueters carrying the day. The tempting spread was set forth, the table was garnished with all that could tempt man's palate, but there was a hollow ring in the laughter of the guests, and a tone of mockery in the after-dinner bursts of spell-binding eloquence. It was the banquet of death. When the lights that shone across the festive board were extinguished, the radiance of the Forest City Lyceum was darkened evermore.

STORIES OF THE BAR.

ANECDOTES AND INCIDENTS.

HARVEY RICE.

In presuming to speak of myself on this occasion, I feel that I “o’erstep the modesty of nature,” yet I justify myself in thinking that some good may come of it by way of encouraging young men, who are left to care for themselves in the world, never to despair of success.

My birth occurred at Conway, Massachusetts, June 11, 1800—an incident for which I am not responsible, yet one that has subjected me to grave responsibilities. My mother died when I was but four years old. My father discontinued house-keeping, and placed me in the care of strangers who cared more for the compensation they received than for my welfare. Instead of being brought up with parental care, I grew up, and, by my own efforts, educated myself at Williams College, and then went West.

From Buffalo, I came by way of the lake to Cleveland, in a schooner, which, after a rough voyage of three days, cast anchor off the mouth of the Cuyahoga river, late at night, on the twenty-fourth of September, 1824. A sand-bar prevented the schooner from entering the river. The jolly-boat was let down, and two jolly fellows, myself and a young man from Baltimore, were transferred to the boat, with our baggage, and rowed by a brawny sailor over the sand-bar into the placid waters of the river, and landed on the end of a row of planks that stood on stilts and bridged the marshy brink of the river to the foot of Union lane. Here we were left standing, with our trunks, on the wharf-end of a plank, at midnight, strangers in a strange land. We hardly knew what to do, but soon concluded that we must make our way in the world, however dark the prospect. There was no time to be lost, so we commenced our career in Ohio as “porters” by shouldering our trunks and groping our way up Union lane, to Superior street, where we espied a light, at some distance up the street, to which we directed our footsteps.

On reaching the light, we found that we had arrived at a tavern kept by Michael Spangler, a noble-hearted German. The modern word “hotel” for tavern had not

then come into vogue. Five large Pennsylvania wagons, covered with white canvas, stood in front of the tavern, with as many teams of gigantic horses feeding from cribs attached to front and rear of the wagons. It was a novel sight. These huge wagons were known in common parlance as "prairie schooners," and were employed in transporting produce and merchandise between Cleveland and Pittsburgh. On entering the bar-room, which was lighted by a solitary candle, we stumbled over several teamsters, who lay fast asleep on the floor, laboriously engaged in complimenting the landlord with a nasal serenade. This was the first "musical concert" that I attended in Cleveland.

In the morning, after partaking of an elaborate breakfast, garnished with sour-kraut, the first I had ever tasted, I took a stroll to see the town, and in less than half an hour saw all there was of it. The town, even at that time, was proud of itself, and called itself the "gem of the West." In fact, the Public Square, so-called, was begemmed with stumps, while near its centre glowed its crowning jewel, a log court-house, with the jail and the jailer's residence on the lower floor, and the court room in the upper story. The eastern border of the Square was skirted by the native forest, which abounded in rabbits and squirrels, and afforded the villagers "a happy hunting ground."

The entire population did not, at that time, exceed four hundred souls. The dwellings were generally small, but were interspersed, here and there, with a few pretentious mansions. The chief magnates of the town were the valiant sons of a Puritanic ancestry, and, of course, inherited a spirit of enterprise. They had erected an academy on St. Clair street, in the upper story of which they held religious services on Sunday. They also encouraged trade, commerce and manufactures, and had established a ship-yard, tannery, soap factory and distillery, near the foot of Superior street. All this gave assurance to the town of a brilliant future.

I did not emigrate from the East with the expectation of luxuriating in this paradise of the West, but for the sterner purpose of fighting the battle of life. I came armed with no other weapons than a letter of introduction to a leading citizen of the town, and a college diploma, printed in Latin, which affixed to my name the vain-glorious title of "A.B." With these instrumentalities, I succeeded, on the second day after my arrival, in securing the position of classical teacher and principal of the "Cleveland Academy."

This proud old structure still stands on St. Clair street, and is now occupied as headquarters by the fire department of the city. My earthly possessions at this time consisted of a scanty supply of wearing apparel, a few classical text-books, and a three-dollar bank note. I remained a week at Spangler's tavern before commencing my academical labors. On leaving, I stepped up to the bar and asked the amount of my bill. "Two fifty," replied the landlord. I handed him my three-dollar bank note. He returned me a half-dollar. I then engaged lodging at a private boarding-house,

opened my school, and commenced business based on a solid capital of fifty cents. This I expended on the following day for necessary stationery. The only fear I had was, that my boarding-house might ask me for money before the close of the first quarter. But it so happened that nothing was said about it. When the quarter closed, I collected tuitions, paid up all I owed, and nobody had questioned my solvency. In the meantime, I entered my name, as a student, in the law office of Reuben Wood, Esq., and employed my leisure hours in studying law.

In the Spring of 1826, I resigned my position in the academy, and went to Cincinnati, where I continued my legal studies with Bellamy Storer, Esq., and expected to sustain myself by teaching a select classical school. But in this expectation I was disappointed, and soon became penniless. In order to cancel the small balance I owed for board, and get away from Cincinnati, I sent the few classical text-books I had to be sold at public auction, and realized less than half their value, but enough to acquit myself of debt and pay for a deck passage up the Ohio river to Gallipolis, on the evening steamboat bound for Pittsburgh. The next morning, I was landed, with my trunk, at an early hour, on the sand-beach of the river, opposite the town of Gallipolis, "alone in my glory." All the money I had left was twenty-five cents. In a few minutes, a porter with a wheelbarrow appeared, and offered to take my trunk to the tavern—the best in town. "What is your charge?" said I. "Twenty-five cents," said he. "All right," said I, "go ahead." I followed, and when we reached the tavern, I paid his charge, and was again left penniless. I entered the tavern with a cheerful air, registered my name, and ordered a breakfast. I was evidently taken to be a man of some consequence. The best lodging chamber in the house was assigned me. After breakfast, I retired to my chamber, to consider what I could do to bridge over the dilemma in which I was placed, and save myself from disgrace.

The truth was, I had come into town unheralded; nobody knew me, and I knew nobody. Half lost in bewilderment, I looked about me, and saw a book, with pen, ink and paper, lying on the table. I caught up the book for relief. It proved to be "Murray's English Grammar." In an instant the lucky thought struck me, that I could give a course of lectures on grammar; and before I had fairly digested my breakfast, I digested a scheme of procedure; sallied out into the town; secured the use of the courthouse for a free lecture in the evening; had a notice printed on trust; posted it myself in public places about town, announcing that I was the author of a new and philosophical method of teaching English grammar in accordance with the origin and progress of language, and without the aid of text-books. All this was done before my dinner hour. I had no time to write a lecture, but thought it.

The notice I had posted up created a sensation, and gave me a full house. On

entering the court room, I was invited to occupy the "judgment seat," an elevation that subjected me to the scrutinizing gaze of every eye. I felt the effect. It was my first attempt to address a public audience. When I arose to speak, I turned "quaker," not in creed, but literally; yet soon composed myself, and said that everybody who aspires to respectability in writing and in conversation, or who desires to move in circles of refined society, should have an accurate knowledge of grammar. I then gave the audience an inkling of my new and philosophical method of teaching the science, and, by way of illustration, said that the first word a child utters is an *interjection*—as oh! ah!—at the sight of a new object; the second, a noun, the name of the object seen, as apple; the third, an adjective, expressing the quality of the object, as sweet, or sour, apple. The other parts of speech, I said, can be as readily traced to their origin in the progress of language as those I had specified. I then concluded by saying, give me a class of pupils from twelve to twenty years of age, who have never studied grammar, and I will agree to teach them the science in six weeks, by a daily lecture of two hours, at the moderate charge of three dollars apiece; and in case my pupils, or their friends, are not satisfied with the result, I will make no charge.

This was so fair a proposition that I readily obtained a class of thirty pupils at the close of my lecture. A vacant school-room was assigned me, and, in the afternoon of the next day, I met my class and commenced instruction. The only book allowed was the English reader. I began by explaining the interjection in a familiar way, and then required the class to open the reader and point out the interjections on a certain number of pages. This they readily did. I then proceeded to explain the noun, which was recognized by the class almost as readily as the interjection. In this way I proceeded with the other parts of speech, until they were understood.

I then commenced analyzing sentences and applying the rules of syntax, and at the end of six weeks found, to my surprise, that the class had acquired not only a very good, but a somewhat critical knowledge of English grammar. I invited a public examination of the class. The fathers and mothers of the pupils, and the clergymen, lawyers and doctors of the town attended. The examination was decidedly exhaustive, yet very few mistakes were made. The result was pronounced satisfactory, and my charge for tuition was cheerfully paid. This success relieved me of pecuniary pressure. I have ventured to speak of this incident somewhat in detail, because I believe it to be the true method of teaching English grammar.

From Gallipolis I returned to Cleveland, and was admitted to the bar. I commenced the practice of law in partnership with my friend, Reuben Wood, Esq., who afterwards became chief-justice, and then governor of the state. In the course of a few months, I married, and paid the poor clergyman who officiated, five dollars, all the



Moses R. Dickey

money I had. This left me penniless again; but I thought a wife at that price cheap enough. She proved to be a jewel above price. Soon after my marriage, I was employed by a gentleman, who had tired of the "silken tie" that bound him, to obtain for him a divorce. If I succeeded, he agreed to pay me a hundred dollars. I did succeed, and in the evening of the same day the divorce was granted he married another woman. The fee I received enabled me to commence housekeeping.

In 1830, I drifted into politics, and was elected a representative to the legislature. Near the close of the session, I was appointed agent, by that honorable body, to sell the Western Reserve school lands, some fifty thousand acres, located in Holmes and Tuscarawas counties. I opened a land office at Millersburgh, in Holmes county. The law allowed me three per cent. on cash receipts, for my services. In the first five days, I received from sales fifty thousand dollars, and my percentage amounted to fifteen hundred dollars. This sudden windfall made me, as I then thought, almost a millionaire. It was my first pecuniary success in life, and the first time, after a lapse of eight years, that I became able to pay my college tuition, for which I had given my note.

In 1833, I returned to Cleveland, and was appointed clerk of the county courts, a position which I held for seven years. In the meantime, I was twice nominated for Congress, and in the race made a narrow escape from falling into the moral dangers that beset the footsteps of congressmen.

In 1851, I was elected to the State Senate, and was made chairman of the committee on schools. Among other things pertaining to legislation, I prepared and introduced the bill reorganizing the common school system of the state, which became a law, and which, in its main features, still remains in force. I also introduced the original reform farm school bill, which was postponed to a subsequent session. When my term expired, I was renominated to the Senate. My good friend, Hon. John A. Foot, was nominated as the temperance candidate to run against me, and though I had voted for the most stringent temperance measures, yet it got noised abroad that Mr. Foot was the better temperance man, because he did not allow his wife to put brandy in her mince pies, while Mr. Rice not only allowed his wife to put brandy in her mince pies, but in her pickles too. The result was that Mr. Foot was elected. He made a good senator, and took up my reform farm bill where I had left it, and was largely instrumental in securing its passage, locating the school at Lancaster.

Notwithstanding this crucial test in my political experience, and the seeming reason that caused it, I was subsequently honored with several important official positions, which I accepted but did not seek. In the various public positions in which I have been placed, it has ever been my aim to discharge my duties with fidelity, and without

regard to selfish interests. If I have done anything that benefits my fellow men, I shall feel that I have not lived in vain.

Life in itself is a mystery, and longevity but a brevity. The gate stands ajar, through which all must pass into the unexplored hereafter. Yet we have the assurance that the passage is neither dark nor perilous when cheered by the "star" which the wise men of old saw in the East. This assurance is an inspiration, and may be accepted as the utterance of a divine philosophy. Whoever attempts to fathom the "unknownable" has yet to learn that the finite cannot comprehend the infinite. Nevertheless, we are all born of the infinite, and must ever remain a part of its mystery, with a soul-life that is not only immortal but forever progressive.

STORIES OF PIONEER DAYS.

JAMES M. COFFINBERRY.

Nearly forty years ago, professional business called the writer to Logansport, Ind. Well mounted on Lige Williams' Apoloosa mare, better known as "Old Spiketail," he left Findlay at day-break, and reached a brand-new village at the junction of the Miami Extension and the Wabash and Erie Canals at early moonlight. Born and reared among the pioneers of Richland county, Ohio, and transplanted into the "Black Swamp" in big boyhood, then the muddiest little Eden on this planet, and now the Egypt of Ohio, he had rarely encountered a more infernal road than that between Findlay and the Junction. The mud had frozen just enough not to bear a horse's weight, but quite enough to cruelly cut and scar the good beast's legs from her hoofs to her knees. After thoroughly washing the poor animal's legs with warm water and castile soap, rubbing them dry with his hands, and giving them a good coat of white lead and linseed oil, on the recommendation of genial James G. Haley, he left her to her much-needed rest. Up and off at day-break, through an almost unbroken forest, with the mercury sinking below zero, he wended his solitary way until after night-fall, when he encountered an extensive clearing, where the trees, after having been cut down and chopped off into logging lengths, were left to lie where they had fallen, and through which he sought in vain to find his way. Believing that somebody lived near this extensive betterment, and being deep-chested and leather-lunged, he hallooed long and loud until

his eyes were gladdened with the sight of a man, with a hickory bark torch, approaching him.

As he came near, the light revealed a path, over which the mare started on a trot, but she struck a low stump such a terrible thump that the man who was there, on the spike-tailed mare, didn't go "up in the air," or stay where he was, but fell, mare and all—a most ridiculous fall—right onto the man with the torch. The poor fellow gathered himself up and split for the woods, refusing to believe that I was not the devil on horseback and meant him no harm. I gathered up his expiring torch, and found my way out of the chopping by its light. We reached Fort Wayne at midnight. The next morning, at the breakfast table, I met a former Maumee acquaintance, Mr. William Richardson, employed in a bank controlled by the Ewings, who were largely interested in the "American Fur Company." He introduced me to a pleasant, intelligent young fellow, who told me he was going my way and would be glad of my company.

We reached either Lagro or Peru, I cannot now remember which, about ten o'clock at night; rode up to the best hotel, but could not be entertained there, as the landlord said that, it being Christmas eve, there was a large dancing party in his house, and every room and bed in it were engaged. We sought and found the only other public house, but found it filled with a roystering mob, who were zealously celebrating the nativity of Christ with a drunken debauch; but it was late, the weather was inclement, and our horses and their riders were unequal to a further prosecution of their journey without rest. We accepted the situation, ate a miserable supper, got a more miserable room, and a bed that made our room and supper luxurious. As we were preparing for bed, my companion asked if I would let him lie next the wall, and we arranged ourselves accordingly. He then told me that he was an agent or confidential man of the Ewings, or of the "American Fur Company;" that they owned a bank in St. Louis, and another in Fort Wayne; that it was their policy to pay out St. Louis currency at Fort Wayne, and Fort Wayne currency at St. Louis, and thence west to the Rocky Mountains; said that he had brought a large amount of the issue of their St. Louis bank to Fort Wayne, and, taking my hand and pressing it over a large money-belt around his waist, said:

"I am now returning home with \$20,000 of Fort Wayne currency in this belt, and that is why I was anxious to travel in your company, and why I prefer to sleep behind, as I find, to my dismay, that there is neither bolt nor lock to the door of this room, and the house is filled with drunken rowdies who would murder me for the money on my person."

He then told of a young gentleman formerly in the employ of his company who

started from one of its banks to the other, several years before, with a large amount of currency in charge, who had disappeared and was never again heard from, and as his character was above suspicion, his employers had no doubt but that he had been robbed and murdered. Seeing that he was nervous and apprehensive of trouble, I endeavored to withdraw his thoughts from himself by giving him some account of Frank Hollister, John Fury, Julius and Chester Blinn and Shibnah Spink of Perrysburg, Allen Brougher, of Allen county, Ohio, and other hard-riding, jolly good fellows of my acquaintance, who were then scouring the forests and pioneer settlements of Michigan, Indiana and Ohio, purchasing peltries. I talked so well that I soon soothed him to sleep, and now propose to do the same kindly office by your readers, whilst I digress for a paragraph or two from this "o'er true" narrative.

I hazard nothing in asserting that forty-three years since there was not as much value in agricultural implements in both Wood and Lucas counties as there is now in a single township I could name in Wood county. Thousands of white oak and black walnut trees, which would now be worth a mint of money, were logged and burnt to ashes, at a great cost of labor, simply to get them out of the way.

There were then thirty-two houses of entertainment on the highway between Lower Sandusky (now Fremont) and Perrysburg, a distance of but thirty or thirty-one miles, and such was the condition of the road that it was not an unusual thing for emigrating families to move or try to move diligently all day for two consecutive days, and lodge both nights at the same house, although the next hotel on their route was not one mile distant, and they had employed two yokes of cattle to assist their own team.

In that day, minks and muskrats were trapped on Swan Creek, in the immediate vicinity of that now great commercial mart, railroad centre and grain emporium, the city of Toledo.

That mighty Nimrod, Judge Emory D. Potter, killed deer and turkey within the present limits of the city. Thousands of canvas-back ducks found Fall and early Winter quarters, abundant water, and grew fat on wild rice where the "Middle-grounds" are now so thickly covered with railroad tracks that the landscape presents the appearance of an overgrown gridiron. That bewildering, headache-engendering maze of tracks, Y's and turn-tables, in the southerly margin of the city, conceived in the interest of some private lunatic asylum, had not been dreamed of. But the embryo of the enterprising city was in the spunky village.

Toledoans then, as now, in the van of every great public enterprise, were meditating that colossal labor of building a wooden railroad through the "Cotton-wood Swamp" to Adrian, to be operated by horse-power, and the writer passed over its

wooden rails to Blissfield, when it was the only railroad west of the Alleghany mountains. Horsemen wallowed belly-deep through stagnant ponds in Wood county, over the same prairies which now produce forty bushels of wheat, fifty of oats, and eighty of shelled corn to the acre.

Mink and muskrats abounded in the sluggish waters of the Maumee, the Auglaize, the Portage, Blanchard's Fork, Hog Creek, Riley Creek, Eagle Creek, Ley Creek, Bean Creek, Swan Creek, Tontogany, Touissant, etc. The pioneers' cabins were stuccoed over with drying coon skins. Hunting and trapping were then as common, profitable and legitimate as any other business, and the arrival of "Jule Blinn" or "Shib Spink" with money to pay for furs was hailed and heralded from cabin to cabin with a degree of happy excitement which can only be measured or appreciated by those who can recall the needs and privations which those visits supplied and relieved.

For many years the tide of immigration passed through and around all this rich, level, heavily timbered district, into Michigan, Indiana and Illinois. There was little or no appreciation in the value of the realty, and the prospects of the early settlers looked extremely gloomy and hopeless; but thanks to the courage, industry and bulldog "hangonitiveness" of those plucky pioneers, the black clouds have lifted, and privations and hard times have passed away forever. The forests are felled or pruned down into park-like pastures; churches and school-houses have arisen where bull-frogs sung and snakes hissed. The stagnant, sickly ponds are drained, little patches of corn are swallowed up in great fields, producing millions of bushels annually. Log cabins have given place to spacious, tasteful mansions, and poverty is succeeded by opulence and security. But to my story.

I, too, dropped off to sleep, but was soon aroused by feeling my comrade leap out over me to the floor and rush out of the room. I joined the chase, saw him close upon a man who was making good time to escape, but at an angle in the hall, or cross-hall, we lost sight of him in the dim light, and gave up the pursuit. He said he was awakened by feeling some one tugging at his money-belt, and, upon examination, we found two of its three buckles unbuckled, and realized how narrowly he escaped the loss of the money it contained. He declared that he would not close his eyes to sleep again, and I volunteered to share his vigil, but human nature can only bear about so much, and we soon sank to sleep again.

My sleep was haunted with fancies that my comrade had been robbed and murdered, and that suspicion rested upon me. Twice I awakened and found myself sitting up in bed to protect him from imaginary robbers. Taking it for all in all, it was not a restful night, but day-break came at last, and we resumed our journey. For

obvious reasons, we kept our own counsels as to the event of the night. Whether he had shadowed us from Fort Wayne, or our bed-chamber talk had been overheard, I never knew.

If I were compelled to elect whether I should go to bed again with \$20,000 in money or a nest of enterprising hornets, I might hesitate, but think I would cotton to the currency.

In or about the Summer of 1838 or 1839, we had a terrific storm at the foot of the rapids of the Maumee. Many chimney tops were blown over, and several roofs blew off. The "Exchange," a very large new brick building, erected by Gen. John E. Hunt and a Mr. Bebee, in Maumee City, for a hotel and mercantile purposes, was blown down, or rather three or four of the upper stories were toppled down over and around the first or ground story. Parts of the upper portion were unfinished, but the entire building was enclosed, and several tradesmen were doing business on the ground floors. The storm burst suddenly upon the valley without premonition, and two young gentlemen, Mr. Geo. H. Nitchie and a Mr. Cook (if memory is not at fault), doing business in the block, were deeply buried in the ruins. The site of the colossal structure was near the river bank, and so conspicuous that its collapse was seen by many of the people of both villages (Maumee City and Perrysburg.) Everybody seemed intuitively to know that some of those doing business on the block were overwhelmed by the fallen roof and crushed walls, and as soon as the fury of the storm would permit, most of the male population were on the ground, working with fierce energy to save the lives, or at least to learn the fate, of those so suddenly buried under thousands of tons of massive wall and huge timbers. It was soon ascertained that part of the lower story had not fallen, and both of the young merchants were happily relieved uninjured from their perilous surroundings.

After the rescue, and when the excitement had somewhat abated, General Hunt stood pensively contemplating the ruin, when "Old Petowoquet," an Indian chief, came daintily threading his way with his moccasined feet through the widely-scattered debris of the fallen building, and laying his hand on the general's shoulder, he sentimentally exclaimed, "Wagh! wagh!! Genel Hunt—white man dam fool—build too much wigwam—bust 'em."

The following lines were written more than forty years ago, in compliment to three beautiful and accomplished young ladies of Maumee City. One of them, a bright, sparkling blonde, whose pleasant wit and brilliant repartee would have rendered her a "bright particular star" in the best society of this or any other country,

is long since deceased. Of one of the others, the writer has lost sight. The remaining one, although a grandmother, is still a most beautiful and attractive woman, scarcely less charming in the mellow maturity of her mind and person than when, in her teens, she modestly and unconsciously reigned as the acknowledged belle of the Maumee valley.

In their hospitable home, the writer for the first time heard the music of a piano. Young and susceptible, subjected to such sights and sounds, he might well be excused in mistaking the lofty enthusiasm of his feelings for poetic inspiration, and attempting to celebrate in song the perfections thus revealed. Forty years have cooled his ardor—he no longer calls his lines poetry, but the lapse of time has not effaced the grateful recollection of that trio of graces, and their honored parents, whose obliging character and kind consideration contributed so much to the pleasure and profit of his early manhood.

Orpheus, 'tis said, of yore,
Ere Music's skill grew ripe,
Drew trees enamored' to his bower,
With burnished leaf, and fragrant flower
To hear his Sylvan pipe.

Then, O! if this be so,
And who can prove 'tis not?
When witching beauty, grace and youth,
Perform with matchless skill and truth,
What mad'ning freaks are wrought?

Then, O! Sophia cease,
Blend not thy voice and touch,
Or victims to thy every grace,
Thine eyes so blue, and sweet fair face,
Will crowd thy shrine too much.

And Marion, have a care!
Thy "Willow by the Brook"
Will many an ardent heart ensnare,
Deal death and havoc unaware,
Joined with thy witching look.

Elizabeth, desist!
To play on human hearts,
For whosoe'er thy spell resists,
Unless some pitying god assists,
Plays superhuman parts.

One of the early efforts to reclaim an escaped slave, under the provisions of the fugitive slave law which did so much to intensify the hatred of slavery in the free

states, was made at the foot of the rapids of the Maumee river. Henry Goynes, a bright, handsome, gentlemanly mulatto, who had kept a barber's shop in Maumee City for several years, and whose pleasant manners and modest deportment had made him a favorite with the people of Maumee City and Perrysburg, was arrested by a federal marshal and his posse of slave-hunters from Kentucky, who were hurrying him off for the other side of Mason's and Dixon's line, when a writ of *habeas corpus* was sued out by a brace of newly-fledged lawyers in Perrysburg, and the prisoner was brought before Elijah Huntington, then and for many years before and after an astute, honest, stubbed justice of the peace, who hated slavery with a holy hatred. The marshal and his posse blustered, cursed and threatened, and his experienced counsel jeered and bullied the callow limbs of the law who had dared to question the legal sufficiency of an arrest and detention of a slave by a high and mighty marshal of the United States of America, in a manner so disrespectful, overbearing and insulting, that it put the freedom-loving audience who crowded the court room upon their mettle. Every ruling made by the justice against the marshal on interlocutory questions was greeted with smiles and suppressed applause, and tears of sympathy for the prisoner at the bar were not wanting. It gradually became apparent from the angry flush of the old magistrate's face, the beaded drops of perspiration on his corrugated brow, and the increasing snappishness of his rulings, that he despaired of finding legal means of deliverance for poor Goynes. Every one knew that the old justice would rather die at the stake than to consciously swerve the variation of the needle from the pole, from the strict letter and spirit of the law. The spectators were growing angry and desperate; curses were muttered upon the law and its minions, and a breach of the peace was becoming imminent, when the prisoner sprang ten feet from his chair, with the agility of a tiger, and shouted at the top of his voice, "A dead hoss or a free nigger," dashed to the street, and leaped upon a deep-chested, fleet-footed horse which just happened to be there, all saddled, all bridled, all fit for the flight of the dusky knight. Away they flew up Front street, down the valley by the base of old Fort Meigs, across the bottom and over the river bridge, through Maumee City and away for Canada.

The marshal and his men attempted to pursue, but each man in the court room seemed determined to be the first fellow out, and some swore that "no Kentucky blood-hound should get the start of them in chasing a runaway darkey." There was so much more of hustle and motion than of direction or progress in getting out that the marshal reached the street about the time his late prisoner was scudding over the valley, more than half a mile away. The toll-gate on the north end of the river bridge was wide open for the fugitive, but shut and locked for the marshal and his posse. Sturdy old ex-Sheriff Joshua Choppel, the toll-gatherer, seemed to have pressing business under

the bridge, and, fat and aged, it took him some precious minutes to waddle back to his post, and, when there, he was so conscientious and punctilious about collecting toll and making change before opening the gate that the chances for recapturing the flying fugitive were becoming desperate. Goynes reached Canada, and two fine broadcloth coat patterns soon afterwards reached his counsel. The last the writer knew of him, he was back upon the Maumee, running a popular barber shop in Toledo, and said to be "well heeled" with real estate in that growing city.

Just how the right horse *happened* to be at the right place at the right time may possibly be known to a much-honored early chief-justice of one of our Western territories, and another.

RANDOM RECOLLECTIONS OF THE EARLY DAYS.*

JAMES A. BRIGGS.

I was admitted to the bar at the October term of the Supreme Court, held in Zanesville, in 1833, Judges John C. Wright and Reuben Wood presiding; committee of examination, Henry Stanberry (afterward attorney general of the United States), Charles C. Converse (afterward judge of the Supreme Court of Ohio), and John H. James, one of the leading lawyers in south-west Ohio. I had been for several weeks preparing for examination in the statute laws of Ohio, and the reports of the Supreme Court of the state, in which a student was expected to be well read, as well as in the general principles of law—Blackstone, Chitty, Comyn, Starkie, Kent's Commentaries, and in pleadings. In Ohio, at that time, briefs were not much used. All cases were thoroughly argued before the judges, and notes taken of the points, and the authorities cited by the court.

I remember that Judges Wright and Wood were very pleasant in manner, and very considerate in their treatment and bearing to students and the young members of the bar. At the time of my admission to the bar, Ohio had many very able men practicing in its courts. They were located all over the state. Perhaps they were men not learned in the books, not carefully versed in all the English and American re-

* This article, expressly prepared for the Bench and Bar of Cleveland, was one of the last ever penned by the venerable James A. Briggs. He had been in feeble health for several years, and died at his home in Brooklyn, New York, from a stroke of paralysis, on August 22, 1889.

ports, but they were men of strong common sense—educated in practical schools to defend the right and condemn the wrong, if not done always according to precedent.

Mr. Thomas Ewing, in a case that was carried to the Supreme Court at Columbus, from Cuyahoga county, did a thing that, I think, was never done before in court. Judge Wood was giving the decision of the court, in which a statute law of Ohio was to be construed. In the southern and middle portions of the state, in the transfer of real estate, it was the custom for the wife to join in the deed, without a special relinquishment of dower. On the Western Reserve, it was the custom for the wife to make a special relinquishment of dower, and to acknowledge that "separate and apart from her husband, without any fear or compulsion, she acknowledged the same to be her act and deed." Judge Wood was delivering the opinion of the court, when Mr. Ewing arose and interrupted the judge, and said, "If the Supreme Court sends out a decision of the character you propose, it will unsettle the titles to two-thirds of the real estate in Ohio, and produce a generation of litigation." And then, turning to his brethren of the bar around the circle, he said, "I appeal to my brethren of the bar for the correctness of my opinion." The court hesitated, adjourned; the unrecorded decision was smothered, and afterward the court made a contrary decision. Mr. Ewing was one of the truly great lawyers of the country, acknowledged as such in the Supreme Court of Ohio, and in the Supreme Court of the United States in Washington.

The first time I was in the Court of Common Pleas at Cleveland, in the Fall of 1833, in a case of forgery, a motion was made to forfeit the bond a party had given for his appearance at court. The attorney of the defaulting forger read from a letter that he was dead, and consequently could not put in an appearance. Mr. S. J. Andrews, afterwards judge, said to the attorney of the forger, "Let me see that letter." When Mr. Andrews had read it, and had examined it carefully, he said to the court, "There can be no doubt, your honor, that the man who was arrested for forgery and gave bond for his appearance here is certainly dead, for this letter is in his own handwriting, and he must surely know the fact." The bond was forfeited.

The active members of the bar in Cleveland, in 1834, were John W. Allen, Samuel Cowles, John W. Willey, James L. Conger, Harvey Rice, Samuel Starkweather, John C. Kennedy, Daniel Radcliff, Leonard Case, V. J. Card, John A. Foot, S. J. Andrews, Samuel Williamson, J. M. Hoyt, H. B. Payne, H. V. Willson, H. H. Dodge and Jonathan Lapham, of Willoughby.

The membership of the bar rapidly increased in the six or seven years up to 1840 or 1842. Messrs. Benedict & Hitchcock, Charles Whittlesey, Bartlett & Chapman, Silliman, Stetson & Barr, Bolton & Kelley, Backus & Bishop, Wm. Strong, E. G.

Williams, L. C. Turner, F. W. Bingham, A. H. Lewis, C. L. Russell, Joseph Adams, B. White, F. Randall, H. Billings, F. J. Prentiss, D. Parish, Seth T. Hurd, Ambrose Spencer, Edward L. Thompson, S. H. Mather, A. L. Collins, O. P. Baldwin, N. P. Bennett, A. D. Smith, Geo. and H. C. Kingsley, and there were others who were students who were admitted to the bar and went to other states. The character and ability of some of those early lawyers in Cleveland may be judged by the positions they attained in after life. Mr. John W. Allen and Mr. S. J. Andrews were elected to Congress from the Cleveland district; Mr. Andrews was judge of the Superior Court in Cuyahoga county; Mr. J. L. Conger was in Congress from Michigan; Mr. Bennett was on the bench of the Supreme Court of California; Mr. A. D. Smith was chief-justice of the Supreme Court of Wisconsin; Messrs. F. Randall and A. L. Collins were on the bench in Wisconsin; Mr. R. M. Chapman was a member of the Senate of Maine; Mr. Sawyer was in Congress from Missouri; Messrs. Foot, Backus and Payne were in the Senate of Ohio; Mr. Starkweather was a judge of the Common Pleas Court in Cleveland; Mr. O. P. Baldwin was elected a member of the Senate of Virginia, from the city of Richmond; Mr. Kennedy was the professor in the Columbia College Law School, in the District of Columbia; Mr. Radcliff was a member of the legislature of Virginia, from Prince William county, and district attorney in the city of Washington, D. C.; Mr. Strong, district judge of the United States Court in Oregon; Mr. Willson, on the bench of the United States Court for the Northern District of Ohio; and Mr. Henry B. Payne, now in the United States Senate from Ohio; Mr. Willey was president of the Common Pleas Court of Cuyahoga circuit; and Mr. Joseph Adams was elected prosecuting attorney of his county in Iowa; Messrs. Bolton and Bishop, S. O. Griswold and S. B. Prentiss and Horace Foote were on the bench in Cleveland.

The lawyer who stood foremost of all the members of the bar in Cleveland, and of all who came there to attend court, was Mr. Sherlock J. Andrews. As an advocate, nature had been lavish in her gifts to him. He had rare natural gifts; a remarkably fine voice, capable of every expression; an impressive and very effective manner, that never failed to win the attention of court and jury; a thorough classic and legal education; a rich and glowing fancy; a wonderful command of the choicest language, improved and enriched by the study of the best ancient and English classics. He was a born orator. He would convulse court and jury by the sallies of his wit, or hold them in silence by his impressive eloquence. He excelled almost any member of the bar in the examination of witnesses. He seemed to possess the power of unfolding truth without the labor of investigation. One of the finest efforts I ever heard him make was in a case that came into the Com-

mon Pleas, from Brecksville, where the father of a scholar sued a teacher for insisting that he, with the other pupils, should read every morning in the Bible. Mr. Andrews made one of the most eloquent speeches we ever heard in Ohio. As a defense of the Christian religion, it was masterly. He melted his audience to tears, as he described the army of the Revolution during seven years of privation and toil, and suffering and sublime human endurance, in the snows of Winter, without shoes, and with insufficient clothing, following their great commander, without murmur or complaint, because of the faith in God that they had derived by reading the Bible. The army of New England men in the Revolution were *New Testament boys*.

Leonard Case, Esq., the president of the old Commercial Bank, was altogether the best land lawyer on the Western Reserve. He was a man of an uncommon degree of common sense, educated in the school of adversity; of great strength of intellect, and of large practical knowledge of men and things. He was as familiar with the statutes of Ohio as any boy ever was with the story of "the rude boy," in Webster's Spelling Book. I remember that the now venerable Mr. George Bancroft, who long years ago was a real estate owner in Cleveland, said to me, "that Mr. Case was one of the most remarkable men he ever knew." Mr. Case was for many years the agent of the State of Connecticut for the sale of its lands, and he said he never knew the power of *interest* until he computed it at six per cent. on the land contracts. The first lot of land he ever bought was in Painesville. He said he never bought but once land that was not forced onto him. He paid \$1,500 for the "Ox Bow," and sold it for \$15,000. The State of Connecticut urged him to buy land it owned on the Kinsman road, east and west of Perry street. He declined, because he was the agent of the state, and advised his friend, the late Philo Scovill, to buy it at \$20 an acre. The 1,800 acres he bought in Brooklyn on his own judgment; the eight acres on the Square, Superior and St. Clair streets, and the ten-acre lots on St. Clair road, were all actually forced onto him. The eight acres he paid \$250 for. What is it worth now? The late Mr. Horace Perry refused to unite with him in the purchase, as it was a low, wet alder swamp. In a referee case before Mr. Case, where Judge Andrews was opposed to Mr. Case, after it was closed, the judge said, "I think, Mr. Case, I can beat you in tropes, but you certainly beat me in figures." The farm and home of an old clergyman, with whom Mr. Case boarded, in Warren, when he was young and very poor, and whose family were very kind to him, were advertised to be sold, on mortgage, at sheriff's sale. Mr. Case drove out to Solon, found out how much the debt was, came home, and, on the day of sale, bid off the property, had a sheriff's deed made out in the name of the wife of the venerable clergyman, had it put on record, and sent it out to her. It was over \$4,000 he paid for early memories of kindness received and remembered.

Mr. Seth T. Hurd was one of the early lawyers of Cleveland. He did not know very much of Blackstone or Kent, of Chitty or Starkie, but had an inexhaustible fund of stories, and he told them admirably well, and was a genial, pleasant man. One day, I was in the clerk's office, and he came in and wanted a writ of replevin for a man's wife. I asked how he could replevin a wife? "Why, she proposes to go off with another fellow." "Well, you must state how much she is worth, and swear to her value." "I can't do that," and out he went. The clerk said to me, "Briggs, why did you tell him that? I would have had in a few moments an application on file to replevin a man's wife." He died the editor of a paper in western Pennsylvania. In Cleveland, he was associated in the law with Daniel Parish, who married a divorced woman. One of the lawyers of Cleveland, who, running over with fun one day, when he heard that the woman's former husband was in town, wrote a letter to Parish, saying, "If I meet you on the street, I shall shoot you at sight, so prepare yourself for certain death." Then he wrote another letter, and signed Parish's name to it, and gave him the same pleasing information, whereupon, in the greatest fright, they both left the city for several days.

Judge John Barr was born at Liberty, Trumbull county, Ohio, in 1804. In 1810, his father settled in Euclid, Cuyahoga county, where he took pastoral charge of a Presbyterian congregation. In 1825, the son was made deputy sheriff of Cuyahoga county, by James S. Clarke. He occupied the same position under Edward Baldwin, the successor of Mr. Clarke, and, in 1830, was himself elected sheriff, by an overwhelming majority. After serving two terms, of two years each, he declined the office, for the purpose of joining the law firm of Silliman, Stetson & Barr. Mr. Silliman died, the health of Mr. Stetson failed, and the firm was broken up. Mr. Barr was elected judge of the Police Court, and resigned that office to become clerk of the Court of Common Pleas. Judge Barr took a deep interest in historical matters relating to Cleveland and the West, and the collection of papers made by him upon historical themes were of great value, and have been in constant quotation by historical writers. His death occurred suddenly on January 24th, 1875.

About 1839, a table of fees was adopted by the bar of Cleveland, signed by all its members but one, and printed. The fees at that day were ridiculously small, not as high as a brick-layer's of to-day. I remember one fee for making a law argument before the Supreme Court, \$20. Mr. Bushnell White, a young and eloquent lawyer, refused to sign the "fee bill," and gave as his reason, "if a party could get Mr. S. J. Andrews to make an argument in the Supreme Court, for the same fee that he would have to pay him, he was a fool if the party did not employ Andrews." I presume I have among my papers a copy of this "fee bill;" it would be a curiosity now. The lawyers' fees were

as much too low fifty years ago as they are in some cases too high now. Since the era of great corporations, great fees have been paid to attorneys.

The salaries of the president judges of the Common Pleas circuits in Ohio, until within a few years ago, were \$730 a year. This was a little more pay than the late Judge Peter Hitchcock got for teaching school, in Geauga county, when he first went to Ohio; eight dollars a month, and collected his pay himself, and took it in pork and beef, butter, wheat, corn, etc., at store prices.

RECOLLECTIONS OF THE CLEVELAND BAR.

D. W. CROSS.

Nearly forty-five years ago (in 1836), the staunch old steamer *Commodore Perry* landed at your busy wharf a young man having a moderate amount of fire and ambition, and a large amount of youthful activity, with the fixed design of spoiling a good business man, and making a poor lawyer. Had his foresight been equal to his "hindsight," he never would have entered the office of Payne & Willson, one of the leading law firms of Cleveland, and tackled Blackstone; but it wasn't.

After being settled in the office of Messrs. Payne & Willson as the junior student at law (A. H. Curtiss, James Bennet and O. P. Baldwin being the seniors), it became his duty to take off a memorandum of the cases from the court trial docket, in which they were retained. At that early day (1836), there were over four hundred cases in which this learned, energetic and active law firm appeared for one side or the other, and generally pitted against Andrews & Foot (subsequently Andrews, Foot & Hoyt), Bolton & Kelley (successors of James L. Conger), Horace Foote, Joseph Adams, Samuel Starkweather (then United States collector of customs for this district and port), and would occasionally cross swords with Daniel Parish, Seth T. Hurd, John Erwin, James K. Hitchcock, Collins, etc.

Judge Van R. Humphry presided with great dignity, neatly dressed, (always wearing a ruffled shirt), assisted by two associates, Judge Barber and Judge Warren, ostensibly for consultation. But they not being lawyers, were seldom called upon to express an opinion. It was said that a member of the bar once asked Judge Warren if he had ever been consulted by the presiding judge while on the bench. After musing a moment, he said: "Yes, I have been once! Near the close of a long, uninter-

esting and tedious trial, in which Daniel Parish was counsel for plaintiff, Judge Humphry inquired of me if my chair did not ache, and I promptly gave my opinion that it did!"

At this period, 1836, John W. Willey was mayor of the city, and had retired from practice at the bar. He never resumed practice, but was subsequently appointed president judge for this judicial district; but it was well known that he was a good lawyer, a brilliant and successful advocate, and an honest man. He was really, at that time, the most popular man in Cleveland.

The old court house, situated on the south-west quarter of the Public Square, having little pretense to architectural beauty, but still sufficiently well constructed, roomy and commodious to command respect, if its ashes could speak, could tell many a thrilling tale of forensic strife and legal strategy.

The late Honorable Sherlock J. Andrews was undoubtedly at the head of the Cleveland bar. For magnetic influence over jury, court and bar; for eloquent appeals to the judgment and the heart; for sharp and emotional appeals to higher passions of the jury; for fluency of speech, and marvelous classic imagery in presenting and enforcing upon the minds of his auditors the strong and telling climaxes in his cause at bar, he had no superior in Ohio. His deportment was gentlemanly and courteous to all, especially to the younger members. He was ever true to his clients, but never attempted to win a doubtful case at the expense of his honor. No good and true attorney will ever, by trick or "sharp practice," hazard the experiment of winning a case to-day and losing his character forever. Without seeming to know it, he boiled over with fun and sparkling wit; then again, with low, tremulous voice and quivering chin, his thrilling figures and fervid eloquence would bring tears to every manly eye. Many of the older members of the bar will recollect his powerful speech to the jury in the "bank case." H. B. Payne, Esq., appeared for Clark, Willey et al., in a suit against the bank, of which Leonard Case was president, and Joel Scranton one of the wealthy stockholders, and also a director, while Mr. Andrews appeared as attorney for the bank. Judge Willey, whose life was known to be fast ebbing away, was very popular, and had the sympathy of all.

In the preliminary skirmishing, during the trial, it appeared to be Mr. Payne's policy to fan the embers of that sympathy, and of Mr. Andrews to throw cold water on them in that direction, and to build up a counter sympathy of his own for the bank, on the ground, as he stated, that the widows and the orphans having interests in the bank would be greatly injured by a verdict against it; claimed that Mr. Willey had no real interest in the pending suit; that his name was only used to elicit the jury's sympathy, while speculators and Shylocks were the real parties in interest.

Then rising to his full height, with sparkling eyes and with voice and actions immensely tragic, he exclaimed: "The voice is the voice of Jacob, but the hands are the hands of Esau!"

This had a telling effect upon all, especially the jury.

Mr. Payne appeared to see and take note of this, and when it came his turn to make the closing argument, after telling the jury in substance that his learned friend, without proof, had denied that his client, Honorable John W. Willey, who was asking at their hands that just pittance, his honest due, to drive away cold charity, and smooth his short pathway to the grave, was a real party in interest, he had even the hardihood to "nail it wi' Scripture." "He has attempted to rouse in you a false sympathy for his soulless institution. He tells you that the widows and orphans may suffer if my honored client obtains at your hands his just claim. Who are these 'widows and orphans?' He did not or could not tell us. I will tell you who they are! Leonard Case and — are the widows, and Joel Scranton and — are the orphans!"

As the gentlemen named were among the most wealthy and influential citizens in town, the wit and sarcasm evidently had the desired effect. He got his judgment.

Generally, as opposing attorney to Sherlock J. Andrews, Henry B. Payne would be found in nearly all trials of any considerable magnitude. He was every inch a lawyer. Learned, studious, sagacious, untiring and courteous, his brother attorneys respected him, his students loved him, and evil-doers feared him. As an advocate, he was logical, fluent, and at times and on appropriate occasions, powerfully sarcastic and remarkably successful. He was like Judge Andrews, fearless in the right, and bravely dared to call men and things by their right names. There was no mealy-mouthed "whipping the devil around the stump" with him. A swindler was a swindler, a thief a thief, and a scoundrel a scoundrel; and, in the cause of justice, he boldly told them so to their faces. He despised everything unprofessional, and his whole deportment, at the bar and with the members of that most honorable profession, impressed itself on every one that no sworn counselor could betray his client without utter dishonor and disgrace. In the very midst of his brilliant career at the bar, a severe attack of pneumonia forced him from the profession he so highly adorned, into the busy maze of private life, in building up our great manufacturing enterprises, and in serving the public at home, in the legislature of his adopted state, and in the halls of Congress.

Thomas Bolton acquired great success in his profession, by his learning, integrity and indomitable industry and perseverance. He had the reputation of being one of the best collectors of claims, especially from dishonest debtors, able to pay but endeavor-

oring to defraud their creditors or delay payment, in northern Ohio. As an advocate, his strong points were presented with terrific sledge-hammer force. He was fearless for the right, and bold to pronounce his convictions that a clear distinction should be openly declared between a good and a bad man. What inducement to be good, if you are to be put on the same plane with the notoriously vicious? Internal consciousness of right may brace up the Christian spirit to martyrdom, but the cold world, as it goes, will take no heed of that. Only a bold, outspoken distinction between good and evil will place both characters where they belong—respect for one, and disgust for the other. As an advocate, a judge and a citizen, he had the respect and esteem of all.

Moses Kelley, of the law firm of Bolton & Kelley, next to Honorable Hiram V. Willson, was the ablest “office lawyer” at the Cuyahoga bar. Learned in his profession, upright, diligent and honorable, he justly commanded the respect and confidence of all good men.

Samuel Starkweather, whether acting as attorney at law, United States collector of customs, mayor of your city, judge of your court, or as a retired citizen, never failed to receive the universal applause of “Well done, good and faithful servant.” As an advocate, his great learning, classic imagery and smooth-flowing thoughts, at times uttered in choice words of sublime pathos, and again in climax on climax of burning eloquence, invariably held his auditors spell-bound with admiration. As a conversationalist, he was remarkable. His great memory, extensive reading, classic learning and musical voice made it pleasant to listen to him. He was also a good listener, as well as a good talker—a rare accomplishment. As counselor and judge, he held a high place in the confidence of the people.

Hon. John W. Willey retired from practice about the time he was elected the first mayor of Cleveland, in the Spring of 1836. He had the reputation of being a lawyer of great learning and sagacity, and one of the most pleasing and eloquent advocates at the bar. He was appointed president judge of the Common Pleas, and his rulings, based upon the “unerring rule of right,” commanded the respect of all.

Horace Foote, subsequently judge of the Common Pleas Court for many years, was a born lawyer. His whole heart was in his profession, and especially in every individual case he was retained to try. His learning in all the profound intricacies of the law was only equaled by his untiring industry. He was a good lawyer, a forcible advocate, and an upright judge.

J. Madison Hoyt, at an early day one of the law firm of Andrews, Foot & Hoyt, was a gentleman of fine analytic and highly cultivated mind, an earnest and very pleasing advocate, and, had his whole heart been devoted to his profession, would have

won his way to the highest honors in it. But he chose to retire from the profession, in the prime of his career, to assume active duties and pursuits more congenial to his taste.

Franklin T. Backus was possessed of great capabilities in his profession. His highly cultivated and analytic mind permitted him to grapple successfully with the broadest, as well as the most technical, legal questions. His oratory was of the Websterian order—massive and profound in argument and thought. Early in his career, he had attained a high position, and had his life been spared, would undoubtedly have adorned the highest positions known to our judiciary.

Bushnell White came fresh from old Massachusetts, with high honors as a graduate of Williams College, and entered bravely upon his studies of the laws with the law firm of Messrs. Payne & Willson. He soon won distinction as a fluent debater in the old Cleveland Lyceum, and as an orator of scholastic learning and magnetic force in numerous public orations, delivered at the call of our citizens. At the bar, he achieved rapid success, and at an early day was elected to the responsible position of prosecuting attorney for Cuyahoga county, and filled the trust to the satisfaction of the people and the terror of the evil-doers. Having accepted the offer of United States commissioner, he for years faithfully devoted his time largely to the duties pertaining to that office, and almost wholly withdrew from active practice at the Cleveland bar. His oratory was of the Henry Clay and Patrick Henry order, and his brilliant flights never failed to please and enchain his auditory.

Hiram V. Willson was every inch a gentleman, and won the hearts of the young and aspiring members of the bar by his uniform kindness and courtesy in his professional and social intercourse with them. After Mr. Payne retired from the old firm of Payne, Willson & Wade, he became one of the law firm of Hitchcock, Willson & Wade, securing in all the paths of life the respect and esteem of all. He was appointed judge of the United States Court, for the northern district of Ohio, and his profound learning, courteous deportment, and clear, impartial judgment added honor to the profession, to himself and to his high position on the bench.

Joseph Adams was undoubtedly one of the best read lawyers, and the finest special pleader at the bar. He had an extensive criminal practice; was elected prosecuting attorney for Cuyahoga county, and discharged the arduous and responsible duties of that office with great firmness and legal ability. No lawyer here excelled him in preparing his cases for trial. It took a smart lawyer to catch him on a weak or unguarded point. As an advocate, he elaborated, fluently enough, every material point in his case, frequently to such an extent as to be almost tedious, but, after all, what he said seemed to be indispensable to a clear elucidation of his points, and his arguments had

the true ring of solidity and logic. He was fond of field sports, with his double-barrel rifle (of his own invention), and was ranked with the most successful Nimrods of his day.

Charles Stetson was another member of the bar known as a special pleader, iron-clad against all demurrers. He was a good lawyer, a pleasing advocate and a courteous gentleman.

Daniel Parish was not without sharp points in his legal career. His practice extended from the magistrate's court up to the court in banc; but his greatest triumphs were in the "courts below." His genius shone the brightest in his defense of criminals, and in procuring divorces for cruelly abused and indigent women. He was not to blame if, in "arguing" a case, there was always something in it requiring great vehemence of expression and exhaustive consumption of time, no matter what the case might chance to be. To his view, every case had magnitude in it, and he always endeavored to rise up to the occasion. True, his voice was not altogether Cyrenian, nor was he in the habit of stooping to the classics for his choice of words; he went at his work with all the force of a forty-horse-power saw-mill, with the filing of a saw thrown in. He was good-natured, generous, meant well, and was a hard practitioner in his chosen profession of the law.

Ellery G. Williams was a hard worker, full of fire and energy, and while he was very well calculated to succeed in the practice of the law, his tastes and ambition did not appear to run in that line. Land and stock speculations, and business requiring activity, energy and risk, seemed adapted to his temper, and to these he devoted the principal energies of his short but active life. He was for several years in practice with Hon. Bushnell White, and their career was honorable to the profession and lucrative to themselves.

George W. Lynde is among the oldest members of the Cuyahoga bar. As an office lawyer and special pleader, he commanded the confidence and respect of all. He was better known as one of the master commissioners for many years past than a practicing attorney. As a counselor and commissioner, he attained an enviable reputation for soundness and probity, thus securing him a large and lucrative share of this business.

Seth T. Hurd, having strong convictions that the mantle of Demosthenes had fallen upon him, affected a demonstration of this fact on every convenient occasion. At the bar, on the stump, the sound of his voice might be heard in the land. If he had any vanity, it was lost in the overwhelming volume of his good nature. He would be nothing, or he would be eloquent. This laudable ambition was not without its salutary effect upon the young and rising members of the bar, and

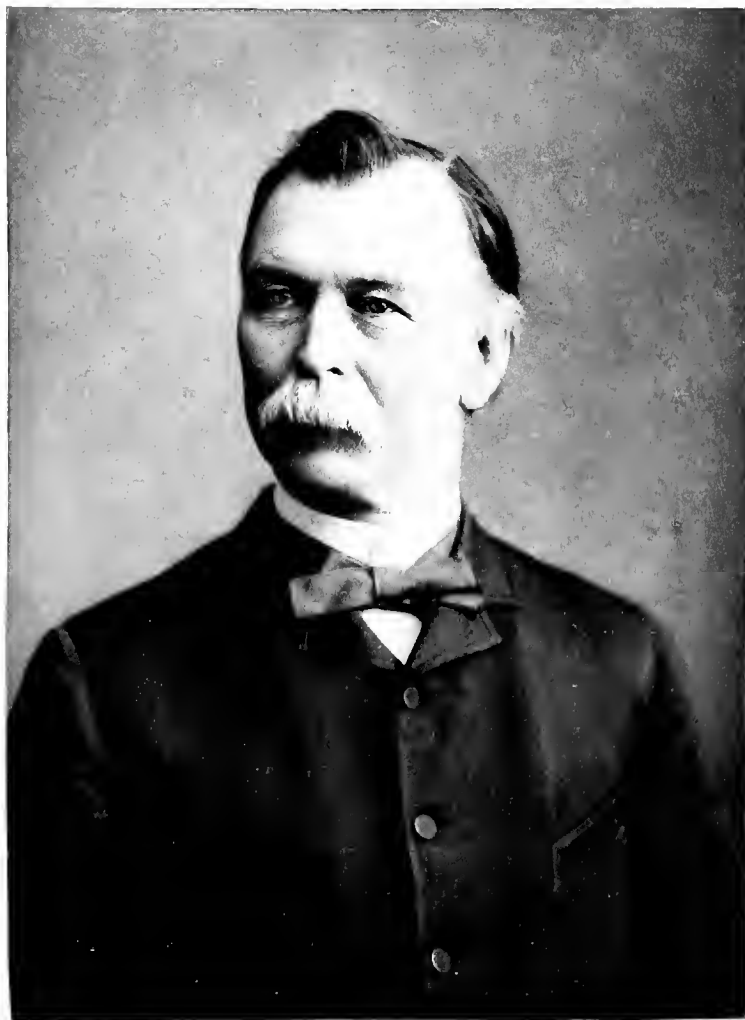
tended largely to take the wind out of the sails of the older members. Although his career at the Cleveland bar was comparatively brief, it was memorable and honorable.

Samuel E. Adams, when but a student in the office of his relative, Joseph Adams, foreshadowed that aptness and ability that might some day place him among the ablest in his chosen profession. He took to the complications and intricacies of the law as a duck takes to the water. Possessed by nature of a good memory and an analytic mind, his laborious studies and untiring application rapidly paved the way for the honors and success that have marked his professional life. As prosecuting attorney for the county, as "orator of the day," and as a good citizen, Mr. Adams has always filled the bill. Although a terror to evil-doers, while acting as prosecutor, thorough and uncompromising in his duties to the state, yet, in his large practice, in the defense of such charged criminals as sought his powerful aid, he never lost sight of his professional honor, nor stooped to the mistaken folly of gaining a suit at the expense of it.

James K. Hitchcock: Although thoroughly read in his profession, his tastes turned rather to speculative ventures than to the fiery ordeals of the legal forum. He left Cleveland at an early date in his professional career, having achieved honor and success in his legal and business relations with its citizens.

John Erwin: If we closely observe the life of this gentleman, we may be able to learn the precise distinction between a genial lawyer and a genial sportsman. Whether he excelled in bringing up his client or bringing down his deer, has remained for years an unsolved conundrum. Genial and true as a friend, honorable as an opponent, his record and his good name will go down to posterity as the model of a true gentleman.

James A. Briggs: It is seldom we find the orator, lawyer, scholarly literature and a turn for secular business so markedly developed in one and the same person as in the subject of this sketch. Whether called upon to deliver a Fourth of July oration, a stump speech in the turbid pool of politics, a lecture on the Christian duties of life, or a speech at the bar, he was always found ready; and it is but truth, void of flattery, to say that the applause of the people attended all his efforts. His heart never seemed firmly set on achieving success alone in the legal profession. Other pursuits, for many years, were followed, apparently more congenial to his tastes. To delve in old reminiscences of his native and adopted homes, biographical sketches of old and tried friends, and to write familiar letters on the wisdom and follies of mankind, seemed best to fill the measure of his allotted work. He will be remembered long and favorably by the old citizens of Cleveland, although for several years he chose his abode elsewhere.



J. E. Herrick

Samuel Williamson : When the people, generally wise in the selection of public servants when political jangles do not influence their judgment, make their calls upon men to serve them, on account of their fitness for such service, and thus absorb the better part of their lives in the public service, there is little time left for a man to devote to his personal affairs, or the successful pursuit of a chosen profession. Had not Mr. Williamson yielded to such calls from the public, there can be no doubt his career as a lawyer would have been prominent and successful. As it was, his counsel was sought in matters of great moment, and his arguments in litigated cases were always clear and forcible. He never gave his entire time and devotion to the profession, probably from the cause above stated, so that what his position might have been cannot be doubtful among friends who best knew him for his learning, integrity and virtues.

John Barr : Unobtrusive in his deportment, quiet and unassuming in his ways of life, it is doubtful whether, in all his long residence in Cleveland, he ever felt the fear of an enemy or the want of a friend. The trusts and official responsibilities reposed in him were ever faithfully discharged. Although possessed of legal ability of a high order, he never gave his heart and soul to the advancement of his career in the profession of the law. Other pursuits so divided his attention that his achievements at the bar hold a secondary place in the history of his life. His was an evidence of that even temper and harmony of social life to be held up as a pattern for all.

Hon. Reuben Wood : The simplicity of his social and domestic life, the warmth of an unselfish heart, the undercurrent of wit and fun that beamed from his expressive eyes in emphasizing the points given or taken in sharp repartee, and the cordial urbanity of his deportment, were almost as instrumental in achieving for him that widespread popularity and enthusiastic admiration of the people of Ohio that raised him to the highest honors the state could give, as were those solid acquirements in jurisprudence and statesmanship which so eminently distinguished his long and useful life. Called at an early date in the history of Cleveland to the Supreme Court of Ohio, twice elected governor of the state, and subsequently representing our government at Rio Janeiro, Brazil, with marked ability, there was little time left for practice and distinction at the Cuyahoga bar. In social and official life, few men in Ohio enjoyed a higher position or a warmer place in the popular heart. Dignified in his deportment, yet open and approachable to the humblest of his friends, he was not insensible to the relaxing effect of wit, or the fun of a practical joke, and could give and take his share with his compeers, Willey, Tilden, Andrews and others, with becoming grace and hearty appreciation. His whole life is an epitome of the possibilities that may follow

in the train of industry, integrity and honor, when those were unswervingly the magnetic points in a good and true man.

General H. H. Dodge, although one of the oldest members of the Cleveland bar, did not turn the whole energies of his mind to the practice of his profession. Had he done so, it is believed that his clear head, pleasing oratory, keen wit and high sense of honor would have placed him in the front ranks. The old settlers will not fail to remember his sharp debates in the old Lyceum, his eloquent orations on the Fourth of July, his impartiality and clearness when called to preside at public meetings of his party or the people, as was frequently the case, and the pride and energy he displayed in organizing and fostering the militia of the state and the independent battalions of the city. Having the well-balanced mind and judgment requisite to fill any position of public or private trust, the government and people frequently called upon him, and his response was always prompt and satisfactory.

General J. W. Fitch: In his early practice, General Fitch acquired an enviable reputation for energy and eloquence at the bar and on the stump. Had he followed up this prestige with the whole force of his character, and the undivided energies of his mind, his highest ambition would not have reached beyond his success. But it was plain to be seen that his whole heart, soul and ambition was not given to his profession. A political or military life seemed best to square with the powerful energies of his nature. He should have been sent to West Point, or given a commission in the regular army. But, having chosen the career of a civilian, the state and nation entrusted him with several high and responsible positions, all of which he filled faithfully and honorably.

Leonard Case, senior: Although one of the oldest members of the bar, Mr. Case's name will be scarcely found in the court records of litigated cases, except, perhaps, here or there in some important "land case," involving titles, or obscure and unadjudicated points of difference not settled by the Supreme Court of the state. His knowledge and legal learning on this subject was not surpassed by any lawyer at the bar. But his usefulness to his adopted city and state did not rest in his legal practice. He saw, at an early day, in the beautiful site of the infant hamlet, the possibilities of a great and thriving city. To this end, he bent all the capabilities, energies and resources of his active mind and busy life. Happily, he lived to see his grandest hopes more than realized, and could not have been unmindful that he had lent a helping hand in achieving for the city of Cleveland her almost unparalleled prosperity in so brief a period of time. As an evidence of his appreciation of the enhancement of his private fortune by this great public prosperity, it is believed he had it in his heart, and foreshadowed the design, which his son, Leonard Case, junior, has so magnani-

mously carried into effect, of establishing and liberally endowing such an institution of learning as would redound to the honor and glory of the city of his home, and make his accumulated gold shine forever with an undimmed lustre. Much might be said of his great financial ability, and its wide-spread effect upon the business interest of the people and the city; his personal and monetary influence in establishing the great railroads centering here, and the grand results of wealth and commerce immediately following in their train; his sound counsel and ready hand in the aid of all municipal and local affairs have established for him in the hearts of our people an enduring fame.

Other members of the bar, who appeared at a later date, might be named. William Collins, General John Crowell, George Washington Stanley, James Fitch, Oliver Perry Baldwin, A. H. Curtiss, S. I. Noble, J. D. Cleveland, M. S. Castle, S. B. and F. J. Prentiss, C. C. Baldwin, R. C. Parsons, R. P. Ranney, R. P. Spalding, Reuben Hitchcock, S. Burke, Edward Wade, George Willey, R. F. Paine, and many others now in the full-tide of honorable practice, are among the living and departed whose careers are fresh in the memories of the people.

To say that the legal profession is not honorable because, by chance, there may be found in it unworthy men, who, for pieces of silver, will make haste to betray their oath-bound trusts, would be a libel upon the highest of professions, and the best of men. We might as well say evil things of the great apostles of Christianity, because there was found among them a single Judas, to betray not only his profession, but the confidence and life on earth of the living God. But Judas had the sense enough to go and hang himself, while the evil lawyer may live on and continue to deceive. But, barring these unworthy exceptions, the members of the legal profession constituting the Cleveland bar have earned an honorable name and place in the history of our city and state.

JUDGES OF THE SUPREME COURT OF OHIO,

UNDER THE FIRST CONSTITUTION, 1803-1852.*

A. T. GOODMAN.

Upon the establishment of the North-west Territory, in 1787, by ordinance of the Continental Congress, provision was made for the government of the same by an executive officer and three judges. The governor, with the judges, had supreme power; made the laws, created counties; in fact, had almost the prerogatives possessed by the autocrats of Europe. Under the ordinance, it became the duty of Congress to choose the officers above mentioned. On the 16th of October, 1787, they selected and appointed Arthur St. Clair governor; James M. Varnum, Samuel H. Parsons and James Armstrong judges. St. Clair was from Pennsylvania, Varnum from Rhode Island, Parsons from Connecticut, and Armstrong from Pennsylvania. Each of the appointees had been generals in the army of the Revolution, and were known to their fellow-citizens as men of good judgment and sound common sense, which in those days were the best recommendations one man could furnish for another. The commission of Parsons found him in the enjoyment of the peaceful pursuits of a private citizen, while St. Clair, Varnum and Armstrong were members of the body that appointed them.

After much hesitation, General Armstrong declined accepting the position tendered him. The other two judges, with the governor, accepted. In place of Armstrong, Congress, on February 19th, 1788, chose John Cleve Symmes, of New Jersey, a very prominent lawyer of that state, who had been a member of Congress in 1785-6. Thus began the government of the North-west Territory; the officers being acceptable to the people everywhere. They had the full confidence of Congress, and though the task they were required to perform was arduous and difficult, they began the work with a zeal and energy that augured well for success.

In the Fall of 1788, the governor and the judges commenced the performance of

* This interesting and valuable paper upon the early Supreme Court of Ohio was prepared, in 1871, by the late A. T. Goodman, secretary of the Western Reserve and Northern Ohio Historical Society, and appears as Tract No. 2 of that organization's publications. It is published here by permission of the president, Hon. C. C. Baldwin, and is given because it relates so much of value to the present generation, and has in so many ways a special bearing upon the history of the Cleveland bar. Some paragraphs of Mr. Goodman's paper have been omitted because of their length.

their duties, with headquarters at "Campus Martius," Marietta. Their first act created the county of Washington, in honor of General Washington, and sundry laws were framed for the government of the people. But the bench of the territory did not long remain as Congress had formed it.

Judge Varnum died of consumption, at Marietta, January 10, 1789, aged forty years.

To fill the vacancy thus created, President Washington, August 20, 1789, appointed William Barton, of Philadelphia, Pennsylvania, a prominent lawyer and gallant soldier in the recent war. Mr. Barton declined the position, and on the 12th of September, 1789, George Turner, of Virginia, was appointed. He was a man of considerable talent, but extremely "old fogyish" in his notions of what was best for the settlements, and the result was a number of quarrels between the bench and populace.

Judge Parsons was drowned while descending the Big Beaver river, November 17, 1789, aged fifty-two years. He was succeeded, March 31, 1790, by Rufus Putnam, one of the pioneers and founders of Marietta, who had served as a brigadier-general of Massachusetts troops in the Continental service. He made a good judge, and was popular with all classes. Governor St. Clair and himself were fast friends.

From 1790 to 1796, the government of the territory was in the hands of Arthur St. Clair, governor, John Cleve Symmes, George Turner and Rufus Putnam, judges. During that period, the territory prospered, and began to assume the position and appearance of a civilized state, instead of a wilderness, the habitation of prowling Indians and wild beasts.

In 1796, Judge Putnam resigned his commission, to accept that of surveyor-general, and Joseph Gillman, a resident of Hamilton county, was appointed judge (December 22, 1796.) The following year (1797), Judge Turner having purchased largely of lands near Kaskaskia, removed to the then far West, and resigned his judgeship. He was succeeded, February 12, 1798, by Return Jonathan Meigs, of Marietta, a pioneer settler of that place, and one of the ablest men in the territory. He afterwards was governor of Ohio, U. S. senator, and postmaster-general, U. S. As then constituted, the Supreme Court continued until the admission of Ohio into the Union as a state. Judge Symmes had served from 1788 to 1803, Judge Gillman seven years, and Judge Meigs five years. A short time previous to the formation of our state government, President Jefferson, for partisan reasons, removed (Fall, 1802) Arthur St. Clair from the position of governor of the territory. From that time until the Spring of 1803, the time the new constitution went into effect, Charles Willing Byrd, secretary, was acting governor of the territory.

It is proper here to state that the ordinance of 1787 provided that when the ter-

ritory should contain a population of 5,000 free white males, a change in its government should take place. In 1798, it contained the required number, when a territorial legislature was chosen by the people, and a council of ten citizens appointed by the president. These two bodies framed the laws, while the governor possessed the veto power. Thus, from 1798 until 1803, the judges were restricted in their duties, so far as the making of laws was concerned.

The first admitted attorney within the limits of the present State of Ohio was Paul Fearing. His certificate was granted in September, 1788, at "Campus Martius," Marietta, by Judges Varnum and Parsons. Of those who soon followed him were Dudley Odlin, Matthew Backus, William Littel, Solomon Sibley, David Putnam, Willis Silliman and Philemon Beecher. The first attorney admitted under the constitution of 1802 was Lewis Cass, whose certificate bore date 1803. The honored name of Lewis Cass is known to all Americans. Of later names we might mention Charles Hammond, William Woodbridge (since senator from Michigan), Thomas Ewing, Judge Francis Dunlavy, Arthur St. Clair, Jr. (son of the governor), Judge Luke Foster, Robert B. Parkman, D. K. Este, Elisha Whittlesey, Robert F. Slaughter, Judge John W. Willey, Judge John W. Campbell, William Creighton, Joseph H. Crane, Benjamin Ruggles, John Woods, Robert T. Lytle, Eleutheros Cooke, Alfred Kelley, Sherlock J. Andrews, Henry Stanberry, Thomas L. Hamer, Samson Mason, Judge B. S. Cowan, A. W. Loomis, Salmon P. Chase, Samuel F. Vinton, Simon Nash, Eben Newton, Henry B. Payne, Hiram V. Willson and Humphrey H. Leavitt. Among the above names, I have not mentioned any of the judges of the Supreme Court from 1803 to 1852.

Under the constitution framed at Chillicothe, November 29, 1802, the judicial power of the state, both as to matters of law and equity, was vested in a Supreme Court, in Courts of Common Pleas, in justices of the peace, and in such other courts as the legislature, from time to time, established. The Supreme Court was to consist of three judges, any two of which to constitute a quorum. They were given original and appellate jurisdiction, both in common law and chancery, in such cases as directed by law, and the legislature was authorized, after a lapse of five years, to elect an additional judge. This power was afterward exercised, and the number of judges increased to four. They were to be elected by the legislature for a term of seven years, if so long they behaved themselves well, and were obliged to hold a session in each county at least once a year. From time to time the legislature enacted laws regulating the Supreme Court, and on the 20th of January, 1823, passed an act requiring the judges to hold a court in bank annually, at the seat of government, and provided for reporting and publishing the decisions of the court in bank, and such

other decisions as the judges might desire published. Agreeably to this resolution, the judges held a session at Columbus, in December, 1823. This was their first sitting under the new law. Rules of practice, etc., were made and adopted, and Hon. Charles Hammond appointed reporter. The Supreme Court in bank continued until the adoption of the new constitution in 1852.

The following is a correct list of those who served on the Supreme bench under the old constitution, ending in 1852. They are given in the order of their election or appointment :

Samuel Huntington, Return J. Meigs, William Sprigg, George Tod, Daniel Symmes, Thomas Scott, Thomas Morris, William W. Irvin, Ethan Allen Brown, Calvin Pease, John McLean, Jessup N. Couch, Jacob Burnet, Charles R. Sherman, Peter Hitchcock, Elijah Hayward, John M. Goodenow, Reuben Wood, John C. Wright, Joshua Collett, Ebenezer Lane, Frederick Grimke, Matthew Birchard, Nathaniel C. Read, Edward Avery, Rufus P. Spalding, William B. Caldwell and Rufus P. Ranney.

The first commissioned official under the constitution of 1802 was Samuel Huntington. He was elected judge of the Supreme Court on the 2nd of April, 1803. Governor Tiffin, in his letter to Judge Huntington, enclosing his commission, refers to it as the first one issued "in the name of and by the authority of the State of Ohio." Judge Huntington was born at Norwich, Connecticut, in 1765. He removed to Cleveland in 1801. In 1802 he was a member of the constitutional convention of Ohio; in 1808 elected governor, serving one term; was district paymaster in the war of 1812, and died, at his residence, near Painesville, in February, 1817. Judge Meigs was born at Middletown, Connecticut, in 1765. He became famous as a lawyer, and served as judge of Michigan, Louisiana, and North-west Territories. He was United States senator from Ohio, 1809-10; governor, 1810-14; and postmaster-general of the United States from 1814 till he resigned in June, 1823. He died at Marietta, Ohio, March 29, 1825.

Judge Sprigg was a native of Maryland, and early settled at Steubenville. He was a brother of Samuel Sprigg, governor of Maryland, 1819-22. He was a well-educated man, a fine writer, and a sound lawyer. He resigned his judgeship in May, 1806, and resumed practice at Steubenville. He was again chosen to the bench, and was removed from office in 1809, with Judge Tod. He afterward returned to Maryland, where he died at an advanced age.

George Tod was born at Suffield, Connecticut, December 11, 1773, graduated at Yale in 1795, and in 1800 settled at Youngstown. He was state senator in 1804-5, and was elected judge of the Supreme Court in 1806. In 1808, the legislature im-

peached Judges Tod, Sprigg and Huntington for declaring a law of the legislature unconstitutional. They escaped by *one vote*, but in 1809 the legislature passed an act declaring their offices vacant. In the meantime, Huntington had been elected governor of Ohio.

Judge Tod served as major and lieutenant-colonel in the regular army, in the war of 1812, acquitting himself with great credit. In 1815, he was chosen president judge of the Court of Common Pleas, third judicial district, serving until 1834. He then retired to private life, and died at Brier Hill, Ohio, April 11, 1841. His second son was the late Governor David Tod.

[Mr. Goodman gives the biographies of all the judges named, but we find room for only those of north-eastern Ohio.]

Calvin Pease was born at Suffield, Connecticut, September 9, 1776. He graduated at Yale, and read law with Hon. Gideon Granger, afterward postmaster-general. After admission to the bar, Mr. Pease emigrated (1800) to Warren, Ohio, where he engaged in practice. The same year he was appointed prothonotary for the Court of Common Pleas for Trumbull county, and, in 1803, was elected judge of the same court. This position he held until 1810, when he resigned. In 1812, he was elected state senator. In 1816, the legislature chose him judge of the Supreme Court. Re-elected in 1823, he served until 1830, when he retired from judicial life. In 1831, Judge Pease was elected to the legislature from Trumbull county, serving one term, after which he declined accepting office. He died at Warren, September 17, 1839. Judge Pease was a man of talents, and was greatly respected for his private virtues and public usefulness.

Peter Hitchcock served as judge of the Supreme Court for twenty-eight years. Born in Cheshire, Connecticut, October 19, 1780, he graduated at Yale College in 1801. In 1806, he removed to Burton, Geauga county, Ohio. In 1810, he was a member of the House of Representatives of Ohio, and from 1812 to 1816 was in the State Senate. He was member of Congress from 1817 to 1819, and from 1819 till 1852, with the exception of five years, was on the Supreme bench. From 1833 to 1835, he was in the State Senate, and, in 1850, a delegate to the state constitutional convention. He died at Painesville, Ohio, May 11, 1853. Judge Hitchcock ranks as one of the purest and ablest jurists this state has produced.

Reuben Wood was an excellent judge, and highly respected by the bar and the people. He was born in Rutland county, Vermont, in 1792, served in the war of 1812 as captain of Vermont volunteers, studied law with Hon. Barnabas Bidwell, was admitted to the bar, and, in 1818, removed to Cleveland, Ohio. In 1825, he was elected to the Senate, and was twice re-elected. In 1830, he was chosen president

judge of the third judicial district, and, in 1833, was transferred to the Supreme bench. He retired from his judicial service in 1845, and, in 1850, was elected governor of Ohio. In 1851, he was re-elected, serving until 1853, when he resigned to accept the consulship to Valparaiso, tendered him by President Pierce. For nearly three years, he was acting minister to Chili. He died at Rockport, near Cleveland, October 2, 1864.

Matthew Birchard is well known to the bar of Ohio. He was born at Becket, Massachusetts, January 19, 1804. In 1812, his parents, with their family of seven children, removed to Windham, Portage county. Judge Birchard's education was principally received at schools and academies on the Reserve. At an early age, he determined to follow the medical profession, but after a year's study abandoned it for the law. In 1824, he became a student in the office of the late General Roswell Stone, at Warren, and was occupied there four months in the year—the other eight being employed in alternately teaching at Braceville and Nelson. In August, 1827, he was admitted to the bar, and began practice, at Warren, with the late Governor Tod. The legislature, in 1833, chose him a judge of the Court of Common Pleas, to succeed Judge Wood, transferred to the Supreme bench. In December, 1836, President Jackson appointed him solicitor of the general land office at Washington. Three years later, President Van Buren appointed him solicitor of the United States Treasury, in place of Hon. Henry D. Gilpin, promoted to attorney-general. This office Judge Birchard held until March, 1841, when he returned to Ohio, and resumed practice at Warren, with his old partner, Governor Tod. In December of the same year, the legislature elected him a judge of the Supreme Court, which position he held until 1849. Since that time, Judge Birchard has not held office, with the exception of serving a term of two years in the State House of Representatives, 1854-5. He was a candidate for Congress in 1856, against the late Mr. Giddings, but failed of an election. As a lawyer, Judge Birchard has always held a place in the front ranks of the profession. As a judge, he was deservedly popular. His opinions are noted for their clear, concise language, strong reasoning and good sense.

Rufus Paine Spalding was born in West Tisbury, Martha's Vineyard, Massachusetts, May 3, 1798, and removed, with his parents, to Connecticut, when very young. He received a good academical education, and graduated at Yale in 1817. He married a daughter of Judge Zephaniah Swift, with whom he studied law. In 1821, Judge Spalding located in Trumbull county, Ohio. In 1829, he was elected to the House of Representatives of Ohio, and being re-elected in 1841, was chosen speaker. In February, 1849, he was elected a judge of the Supreme Court, and continued in that office until February, 1852, when the new constitution went into effect. Soon after

ward, he located in Cleveland, and continued in practice until 1862, when he was elected to Congress. Judge Spalding continued a member of the national house until 1869, when he declined a re-election. He is a lawyer of marked ability, and as a judge of the Supreme Court gave general satisfaction.

Rufus Percival Ranney was born at Blandford, Massachusetts, October 30, 1813. In 1822, his parents removed to Ohio, locating first at Fairpoint, and shortly afterward at Freedom, Portage county. Judge Ranney's early education was limited. He worked on his father's farm in Summer, and attended village school in Winter. At a later day, by his own industry, he managed to attend college at Hudson for a short period. In 1836, he entered the law office of Wade & Giddings, at Jefferson, Ohio, and after two years' study, was admitted to practice. In 1839, he became the partner of Hon. Benjamin F. Wade, one of his preceptors. In 1846 and 1848, Judge Ranney was a candidate for Congress, against General John Crowell, but failed of an election, though he ran largely ahead of the Democratic state and county tickets. In 1850, he was chosen to represent the counties of Trumbull and Geauga in the constitutional convention. In the debates of that body, he took a prominent part. On the 17th of March, 1851, he was chosen by the legislature a judge of the Supreme Court, in place of Edward Avery, resigned. This was the last election of supreme judge under the old constitution. In October, 1851, Judge Ranney was re-elected by the people. He resigned in 1856, and in 1857 was appointed, by President Buchanan, United States district attorney for northern Ohio. This position he held two months, and resigned. The same year, he removed from Warren to Cleveland. In 1859, Governor Chase appointed him one of the commissioners to examine into the condition of the state treasury, but the appointment was declined. In the Fall of 1859, he was the Democratic candidate for governor, against William Dennison, but failed of an election. In 1862, he was again elected judge of the Supreme Court, which he resigned in 1864. From 1864 to 1868, he served upon the Democratic national committee. Since 1864, he has held no official position, but has been engaged in the practice of his profession at Cleveland. As a lawyer and jurist, Judge Ranney has no superior in the state.

As before remarked, Judge Ranney was the last judge of the Supreme Court chosen under the old constitution. The new constitution, framed by a convention chosen by the people, was submitted for ratification or rejection at the Fall election of 1851. The result was its adoption by a large majority. In February, 1852, it went into operation. Under its provisions, the powers and privileges of the court were largely extended, and the number of judges increased to five, one to be chosen by the people annually, after the first election of the whole number.

SOCIAL GATHERINGS OF THE BAR.

THE BAR PICNIC AT NELSON LEDGES.*

CHARLES E. KENNEDY.

At 7:30 o'clock, yesterday morning, one of the pleasantest parties that has left the city this Summer, whirled out of the Atlantic & Great Western Railway depot. A week or two since it occurred to a couple of attorneys that an excursion and picnic could be successfully organized among the members of the Cleveland bar, and a meeting of lawyers was held, and a committee, consisting of Messrs. J. H. Rhodes, J. F. Herrick, John W. Heisley, John Coon and B. R. Beavis, was appointed to complete arrangements. It was decided to go to Nelson Ledges, and invitations were sent to all the city lawyers. Yesterday morning, two cars filled with those who could arrange to attend wound out through the smoky ward. The Germania orchestra occupied seats in the rear car, and after gauging their instruments to accord with the ears of the passengers, sent forth enlivening strains; and then the fun commenced. Mr. W. E. Preston waltzed down the aisle, and proposed making a ring and placing Mr. John W. Heisley inside, to tell "Dutch stories," as he was gifted in that direction. Knots of men stood in the aisles and conversed, and a general exchange of greetings and introductions was the order. The ride to Garrettsville was exhilarating, and the spirits of the excursionists had risen in proportion. At 8:30 the train stopped, and the passengers filed out, to take the conveyances to carry them over to the Ledges. The clouds had parted, and the sun shone out brightly as the happy crowd climbed into the vehicles of ancient and modern manufacture, engaged to make the transfer. There were seventeen carriages and wagons in all, and no necessity for crowding. The overland ride to the Ledges was filled with many laughable incidents, and occupied an hour of time. The scenery on the route was beautiful, especially the hills, where the lawyers were obliged to walk. The peach orchards were filled with choice fruits, but, unhappily, the owners keep dogs, and are not obliged to muzzle them. When near the Ledges, several of the younger practitioners jumped from the carriages, and scaling an attenuated rail-fence, sampled the different varieties, but not until, as a matter of precaution, a committee of one had been appointed to wait upon the owner, and engage him in conversation on the safe side of his house.

* The above report of the famous bar picnic at Nelson Ledges, in the Summer of 1879, is condensed from a report appearing in the columns of the *Cleveland Leader*.

The visitors arrived at the Cascade House at 9:30 o'clock, and at once gave themselves up to the pleasures of the day.

Soon after arriving, the majority of the picnicians, headed by Mr. J. H. Rhodes and a guide, started out on a tour of inspection. The first point visited was "The Old Maid's Kitchen." The way led through several narrow crevices, over pools of stagnant water, and up steep declivities, and when the cave was at last reached, a couple of bachelor lawyers, who had hoped to have been "retained," took occasion to express their dissatisfaction at finding the old maid "out." The kitchen was thoroughly explored, and with wet feet the party crawled out of an opening and into daylight.

"This way for the Devil's Den!" shouted the guide, and the party took up the cry and followed. Reaching the opening, the party hesitated. The descent into the den is very near perpendicular, a few jutting rocks and roots serving as a help in descending. Mr. Rhodes regretted that a rope had not been brought along, which gave Judge Griswold an opportunity to say that there were too many trees handy to make it entirely safe for a rope to be in reach of Sheriff Wilcox. Finally, several ladies started down, and the gentlemen plucked up courage. The whole party reached the bottom in safety, and were well paid for their trouble. The den is a weird and forbidden spot, situated sixty feet under ground, branching off into dark passages and gloomy caves. After a half hour spent in its examination, the fraternity began to grow hungry, and sighed for daylight. On reaching the surface, some one suggested a speech. Judge Barber gave notice that assistant prosecutor Blandin would bring action against the first man who attempted to deliver a speech, and he would be placed in charge of the sheriff. The next, and a very important move, was towards the refreshments. A portion of the party dined at the hotel, while others discussed the contents of well-stocked baskets. After a sumptuous repast in the shaded groves, several ladies and gentlemen tried their skill at archery, in which Mrs. George H. Foster carried off the laurels.

The Cascade House contains, among other attractions, an excellent ball-room, and with Judge S. O. Griswold and Major E. H. Eggleston as floor managers, a ball was inaugurated. The "banner set" was composed of Messrs. John Coon, E. D. Stark, E. J. Estep and Judge Griswold, and ladies. The attorneys forgot that such things existed as musty law books and dissatisfied clients, and gave themselves up to the pleasures of the day. The assistant city solicitor had a Weh of traveling over the floor that dumfounded the natives, who had dropped in to see the dancing. Judge Griswold danced every set, and could have kept it up until court set. Sheriff Wilcox stood in a door-way, punning on the orchestra and everything else that came in his

vision. At 4 o'clock, the conveyances drew up to the platform, and the visitors journeyed towards Garretttsville. Reaching that beautiful village, the cheerful intelligence was conveyed to the party that the train was fifty minutes late, making an hour and a quarter to wait. The orchestra climbed upon the platform, and discoursed choice music. Mr. S. S. Church furnished more archery, and Mr. A. T. Brewer took the cake—that is, he came nearest to the target.

While awaiting the train, Hon. George H. Foster moved a vote of thanks be tendered Messrs. J. H. Rhodes and J. F. Herrick for the interest they had taken in bringing about the excursion, which had resulted in so much pleasure to all the participants, and which was so largely due to their efforts. Mr. Heisley seconded the motion, and it was carried with much enthusiasm. In response, Mr. Rhodes expressed the hope that this would be the inauguration of an annual picnic by the law fraternity. He also said that the Cincinnati bar held a banquet each Winter, and thought Cleveland should do the same. The lawyers unanimously favored the idea, and Mr. Heisley made a motion that Mr. J. H. Rhodes and Mr. J. F. Herrick be made a committee to arrange for a banquet next Winter. Carried. At this period the train arrived, and any further remarks that might have been made were lost. The train arrived in the city by moonlight, and the party disbanded, feeling that it had been a day of unalloyed pleasure. The following comprised the party: J. H. Rhodes, wife and son; P. W. Ward and wife; C. R. Saunders and wife; E. M. Brown and wife; George S. Kain and wife; M. R. Keith, wife and daughter; E. H. Eggleston and wife; Judge D. Cadwell; G. H. Foster and wife; M. B. Gary and wife; Judge R. F. Paine and wife; J. W. Heisley, wife and daughter; W. E. Preston and son; Judge G. M. Barber, wife and son; H. B. DeWolf and wife; A. T. Brewer and wife; A. J. Marvin, wife and daughters; Judge S. O. Griswold; W. S. Kerruish and two daughters; Judge E. T. Hamilton, wife and children; E. D. Stark and wife; N. A. Gilbert and wife; E. J. Blandin and wife; S. A. Schwab and sister; J. M. Wilcox and wife; and Messrs. Arnold Green, Fred. Preston, Perry Prentiss, E. J. Estep, Fred. Green, F. T. Num, John F. Weh, H. C. Ranney, A. Alexander, T. D. Peck, T. H. Graham, John Hutchins, J. B. Mooney, W. S. Collins, Thomas Lavan, M. T. Herrick, L. M. Schwan, Fred. Smith, L. H. Estep, John Coon, S. S. Church, Daniel Keys, H. C. Bunts, C. M. Cope.

THE BAR BANQUETS.

F. T. WALLACE.

The amenities and graces of the Cleveland bar during the last two decades are happily manifested in the many occasions of social festivities in which they have participated. The tasting of salt by the Arab and Oriental with the stranger is the bond of assurance and protection, personal faith and friendly hospitality. Banquets are a survival of the pleasant customs of the Eastern world, perfected and purified in modern society by sobriety and the presence of ladies. As there were feasts before Belshazzar's, and warriors before Agamemnon, so banquets were an institution of the Cleveland bar before the civil war.

The first of the series of legal and judicial festivities within the memory or knowledge of the writer was a banquet at the Angier House, now Kennard, in 1855, given by the members of the Cleveland bar to the gentlemen of the bar of the northern district of Ohio, then in attendance on the United States District Court, soon after the accession of Judge Willson, the first judge of that court. It was a memorable occasion. The appointments of the great dining hall, and the luxuries of the table, were in keeping with the admirable taste of the proprietor and the fame of the house. The occasion was honored by the presence of Judge Willson and a very large number of the most prominent lawyers of the several counties comprising the United States judicial district.

Judge Samuel Starkweather, the silver-tongued orator, presided, and greeted and welcomed the guests in one of his most felicitous and happy speeches, for which he was ever celebrated. Among that fraternal assembly, and around those luxurious tables, including more than a hundred still living, whose names cannot now be recalled to be herein written, sat Morrison R. Waite, Daniel O. Morton, then United States district attorney, H. R. Hosmer, late chief-justice of Montana, Judge Potter, William Baker, George W. McCook, then late attorney-general of the state, Thomas Ford, afterwards lieutenant-governor, George Bliss, George Rex, Judge Hurd and William Upham, guests of the Cleveland bar. Among the entertaining hosts were Judge Andrews, Judge Spalding, John W. Allen, Edward Wade, James Mason, Thomas Bolton, Moses Kelley, F. T. Backus, W. S. C. Otis, William Collins, Charles W. Palmer, Charles Stetson, John Crowell, R. B. Dennis, Bushnell White and Robert F. Paine, many of whom, both of guests and hosts, were called out and made happy speeches and graceful responses, and all of whom, including the late chief-justice of

the United States, have long since made their closing argument, taken their last exceptions, and gone to the infallible court of last resort.

In the early part of President Lincoln's administration, and during the busy and excited period of the civil war, bar festivals were in abeyance, and complimentary festivities were unthought of. R. C. Parsons and William Slade had so suddenly and unexpectedly departed, the one to Brazil and the other to France, that social civilities and professional courtesies were of necessity precluded; but in 1863, when war had in some degree lost its terrors by long familiarity, Hon. A. G. Riddle having been appointed consul to Cuba, being Cleveland's "third consul," the bar, on the eve of his departure, gave that gentleman an elegant banquet at the Angier House. Colonel Parsons, who had returned from Brazil, presided, and in a graceful and happy manner welcomed the consul. The event was eminently social, toasts and sentiments pertinent to the occasion superseding formal speeches.

In the Summer of 1879, a large number of the members of the bar, accompanied by their wives and daughters, constituting a picnic party, took an outing, and spent a day at the romantic Nelson Ledges, near Garrettsville. At the close of the day, and while rehearsing joyously each individual pleasure of the occasion, it was suggested that they should cherish and keep alive the friendly sentiments which had then and there been imbibed, by a banquet at some time during the following Winter, when the flowing tide of business of the Fall and Winter terms of court had passed. The suggestion was heartily concurred in, and a resolution to that effect was unanimously adopted, the ladies voting "aye" to a man. Early in March following, at a fully attended bar meeting, preliminary arrangements were made for a bar banquet—the first of a series of annual social festivities of the legal fraternity of the city. Committees were appointed, and in a brief space of time elegantly designed invitations were issued in the following terms:

BANQUET OF THE CLEVELAND BAR.

A banquet will be given by the Cleveland Bar, on Wednesday evening, March 10, A. D. 1880, at Weisgerber's Hall, corner of Prospect and Brownell streets. Yourself and ladies are cordially invited to be present. The programme will consist of a supper, toasts, speeches, music and dancing. Every guest is expected to be present at 7:30 o'clock. Banquet at 8 P. M., precisely. Ticket for each gentleman, \$2. Ticket for each lady, \$1.

W. C. MCFARLAND,	J. H. RHODES,	} Committee.
M. B. GARY,	H. B. DEWOLF,	
J. W. HEISLEY,	M. R. KEITH,	
S. O. GRISWOLD,		

The hall was brilliant, and, when filled with ladies elegantly costumed, the beauty of the scene was heightened. Seven tables, each capable of seating forty or more guests, shone with glittering glass and china, and pyramidal piles done in the highest style of the confectioner's art, while sweet flowers and exotics relieved the scene and added greatly to the beauty thereof.

Judge John C. Hutchins and Hon. W. C. McFarland acted as masters of ceremonies, and presented the guests to the hosts and hostesses—the judges of the Court of Common Pleas and their wives and daughters. At about 8 o'clock, three hundred guests were present. The company were then seated at the tables, and after they had partaken heartily of all the good things set forth, they proceeded to inspect the following programme of the intellectual feast to follow :

Remarks by the president, Hon. H. B. Payne.

REGULAR TOASTS.

"The Judiciary." Response by Hon. Martin Welker.

"Jury Trials." Response by Hon. R. F. Paine.

"The Pioneer Lawyer." Response by Hon. D. R. Tilden.

"The Administration of Justice." Response by Hon. J. M. Jones.

"The Trials and Rewards of the Lawyer." Response by Hon. John W. Heisley.

"The Ladies." Response by Hon. John Hutchins.

"The Lawyer's Influence in our Daily Life." Response by Hon. F. J. Dickman.

Volunteer toasts.

Dancing.

About 10 o'clock, the Hon. H. B. Payne, at his table, near the centre of the room, called the assembly to order, and spoke as follows :

OPENING BY HON. H. B. PAYNE.

LADIES AND GENTLEMEN : It was not without serious doubt of its propriety that I consented to preside at the lawyers' banquet. More than thirty-one years have elapsed since my last professional appearance in a court of justice. My training and experience began and ended in the courts and practice under the old constitution. The mysteries and mystifications of the code I have never mastered, nor attempted to master; have never accepted a retainer nor conducted a trial, nor am I competent to draft the simplest pleading under its provisions. My only title is a certificate of admission to the bar, dated in September, 1834, but I am assured that the franchise of an attorney is an estate for life, against which the statute of limitation does not run, and which does not lapse by non-use. More recently, I have felt a growing desire to gain in a more unobtrusive way a recognition of membership by the profession.

The social door seemed the most suitable for an entrance, and when your committee called on me and gracefully and cordially invited me to occupy this chair, I saw the desired opportunity had presented, and gratefully accepted the honor. On your signifying your approval of the step, I will thenceforward regard myself a member of the Cleveland bar, but practicing only in the social department. [Applause.]

Bear with me while I pause for a moment to contrast the present with the ancient condition and order of courts and lawyers.

In the olden time, lawyers were so few that each knew and was known by all the others. Now, they are numbered by the hundreds. Then, *one* president judge, handicapped as he was by three associates, managed the entire law and equity, and criminal and probate business of the county. Now, *six* judges, each the peer of the old president judge in accomplishments and rank, find sufficient employment in disposing of the civil, criminal and divorce dockets of the courts. Then there was a single court room, that venerable old court house on the Public Square, in and around which clustered so many precious and hallowed associations; now, large, commodious and costly structures supply the needed accommodations—not overlooking the luxurious quarters of the probate judge, presided over by a gentleman so genial, so faithful and so modest that all of us hope he will not again decline a re-election, until our estates shall have been settled. Then, when called to the court in banc at Columbus, three days and nights were consumed in reaching that city, and as many more in returning, to which was to be added the time wasted in waiting for your case to be reached in its order. Now, it is claimed, that with the facilities furnished by the railroad, the sleeping-car and the telegraph, it is practicable for a Cleveland lawyer to try a case in the Common Pleas in the morning, argue another in the United States Court in the afternoon, appear the next morning in an important case before the Supreme Court at Columbus, and the day following, at 12 meridian, enter the Supreme Court room in Washington, prepared to submit an argument to that tribunal. And in each court is a stenographer, who takes down every thought and sentence as uttered; and most marvelous of all modern inventions, a *newspaper reporter*, who, with equal accuracy, will write out and publish the same thought and sentence before their utterance or conception even. [Laughter and applause.]

Under the same rule of progression, what wonderful change may not the junior members of the bar expect to witness in the future of their lives?

But it is time to return to the banquet, its purpose, and its programme. Its design is to provide for the members of the bar and their families a delightful social communion; that existing acquaintances may be made closer and more intimate, and new and agreeable ones added thereto; that friendships may be strengthened by the inter-

change of courtesies and kindly attentions ; and, in a word, that through the interposition of social amenities, the asperities of professional conflict may be softened and subdued. To the end that all may enter fully and freely into the enjoyment of the festival, unrestricted save by the standard proprieties, the chair is requested to announce that the jurisdiction of the federal and state courts is for the time suspended. These gentlemen near me, whom elsewhere you justly honor and respect as judges clothed with authority, have gracefully laid aside the ermine and substituted for it the *rosebud*. [Loud applause.]

In the order of exercises, there will be responses to toasts, regular and volunteer, to be followed by music and dancing *ad libitum*.

THE HON. MARTIN WELKER.

The president, after concluding his opening remarks, introduced the Hon. Martin Welker, who spoke on "The Judiciary," as follows :

I am really at a loss to know what to say in response to the toast assigned me. On an occasion like this it is expected the speaker will present a

"Feast of reason and a flow of soul,"

in the form of wit, humor, eloquence, and brilliant and sparkling gems of poetry. Who can, however, expect to do this in respect to the dry subject of the judiciary? Who ever supposed that there was either poetry or wit, or, indeed, anything in the sparkling line, connected with my subject? Then, it is exceedingly embarrassing, being a small part of the judiciary myself, and modest withal, that I should be assigned to this response. If the sentiment had been confined to the state judiciary, I might be allowed to say some handsome things of it, and thereby compliment the state judges present here to-night for the able and satisfactory manner in which they discharge their able and important duties. If I could do this, I have no doubt my friend, Judge Jones, who responds to another toast, would, on the principle laid down in the elementary authorities recognized by the profession, and particularly those who have been politicians, "tickle me and I'll tickle you," say something commendatory of the national judiciary, and pleasant for those connected with it to hear. And so, between us, we might give the judiciary a "good standing in court" and before this bar. But to my subject. I need not say to you that it is not the business of the judiciary to make laws, but only to expound and enforce them. I know it is sometimes said by lawyers that the judges do make the law. This, no doubt, grows out of the fact that the lawyer who so declares is not able to find it, when at the same time it is very clear to the judge, who knows it intuitively. The written laws are made by the state and national legislatures, the unwritten are preserved in the numerous reports of the judicated cases in the form of judg-

ments and decrees, forming the great body of the common law, said to embody the perfection of human reason. In explaining the vast uncoded wilderness of the law by the judiciary, the members of the bar very often do not see the pathway in the same light. Thereupon, differences of opinion arise between the bench and the bar, but generally, for the time being, and in a given case, the judiciary prevails. But in such cases, one of two courses is always open to the disappointed advocate, either to appeal to a higher court and review the case, or to go to his office or the street corners and complain of the stupidity of the judge. The last remedy never helps his client, and, therefore, is not satisfactory to him, however much it may gratify the lawyer. It is unnecessary to say that the judiciary is a great and important part of our governmental machinery. It is a necessity of civilization. Its purpose and object is to enforce the law, punish crime, work out right and justice between parties, protect honesty and expose fraud, secure the rights of persons and property, and they secure the highest form of civil liberty to the citizen. It may not always be done. It is the duty of the attorney, as an officer of the judiciary, to aid the court in its accomplishment. [Applause.]

The growing disposition to litigate everything is crowding the courts, so that time is not given, as it should be, for the satisfactory trial of cases. As the lawyers multiply, and the struggle for business and acquisition of fortune and fame increases, there is a tendency among them to "question everything, yield nothing, and talk by the hour," and thus very often consume much unnecessary time in the discussion of matters not exerting controlling influence in the case. This tendency is well exposed in one of the ancient books of the law, which one is not now remembered :

"Some bait their hooks
With mites of cheese,
And sit on a kernel
And bob for fleas.
Others bait their hooks
With tiger's tails,
And sit on a wreck
And bob for whales."

The expeditious as well as satisfactory manner in which the judges discharge their duty is largely influenced by the attorneys engaged in trials, and the aid they give, or do not give, to arrive at correct results. Then, again, the judiciary in the administration of the law is entitled to the respect of the bar, and at the same time the attorney is entitled to the confidence and respect of the court. They are, in fact, co-workers together, each entitled to gentlemanly deportment from the other. Without this continued courtesy, both are likely to lose the respect of litigants and the public, and, therefore, fail to accomplish what is required of the judiciary as well as the bar. [Applause.]

In the excitement of heated contests in the trial of cases, I know full well that judges, as well as lawyers, often forget their duty in this respect, and need to guard themselves to avoid this result.

Allow me, in conclusion, to say that this festive occasion is a good time to resolve to mend our ways, and, in the future, to make our associations as judiciary and bar personally pleasant to ourselves, and thereby advance the administration of justice. [Marked applause.]

JUDGE PAINE'S RESPONSE.

The President—The next subject is jury trials. The response will be by Judge R. F. Paine.

Judge Paine arose, and said :

MR. PRESIDENT : I am expected to give an eloquent dissertation upon the subject of jury trials within eight minutes. Now, I have a very high appreciation of the judiciary, their valuable services, and the indispensable necessity of an able and enlightened bar. But what will we do without a judge? It is to this question of a jury that I am to address myself for the next eight minutes. Now, gentlemen, under our system, a jury is composed of the apostolic number of twelve men. [Laughter.] They are selected from the mass of their fellow citizens upon the understanding that they have the qualifications to perform the important functions of jurors with an intelligent and unbiased manner between the two parties to the suit. There are two classes of jurors, grand and petit jurors. I am not supposed to say anything upon the subject of grand jurors, or to enter their room, for they try nothing. The petit jury is divided into two classes. Some are different, and some are indifferent. [Laughter.] And in my own experience, a short time ago, I gained an insight into the qualifications of one of the jurors. He may be called a different juror. I had been addressing a jury for half a day in an eloquent and forcible manner, and had especially picked out for my target the juror sitting immediately in front of me. I addressed my remarks direct to him, in the most eloquent terms, speaking in poetry, prose and metaphor, and the more I said to that fellow, the more he coughed ; and when I thought my case well fixed in his mind, he would fall into a sudden fit of coughing, and thus it proceeded. Court adjourned at noon, and I started down stairs after the very warm and vigorous effort I had made. Passing this juror, I left him with the defendant in my rear, following right around down stairs behind me. I heard the juror say to him, "You need not be afraid, I am not going back on you, old fellow." And he didn't go back on him, and he's what I call a different juror. [Laughter.]

There's another class of jurors, and they are indifferent as between the parties. And you will usually find them in a warm, comfortable room. One-half of them will

be asleep, and they are indifferent to all that is said. A year or two ago, I remember a good old man who was eternally on the jury. He would come into the court room, his eyes sparkling like diamonds, and would sit up bold in his place, ready to be called on the jury, and when called he would go to sleep in twenty minutes, every time, and never failed. I reasoned and remonstrated with him, but without avail. Finally, I said to him, one day :

“Do you sleep well nights?”

He said, “Not very well.”

I said, “You just take a notary public home with you, and let him swear you, and you will go to sleep within fifteen minutes.” [Laughter.]

And these are the regular jurors; but there is another class that are called the setters. They have been expelled from the higher courts. But I understand they have taken up their gathering at the Probate Court of our county [laughter], and you go there on the first Monday of every month, and you will find the court house swarming with these setters. They make an application to the court, and he, in the goodness of his heart, must find a vacancy, and if he does not, they will stand round and at the close of court will say, “Is there any chance of appointing us an administrator?” and the court will say, “It has been alarmingly healthy this year, and there is no chance,” and then they will take up their march from the court rooms, and prate of hard times and the terrible effects of our financial embarrassments upon the producing interests of the country. [Applause.]

REMARKS OF JUDGE TILDEN.

The President—The next toast to which we will listen for a response will be “The Pioneer Lawyer,” responded to by Hon. D. R. Tilden.

Judge Tilden spoke as follows: I have been called upon to respond to this toast, and I see here before me some men that are taking notes, and I want you to understand particularly that I am not talking for the United States, but for this festive occasion. [Laughter.] Now when the word toast comes to my mind, it is associated, if my recollection is correct, with something warm, but I am told here that this is cold weather, and how you are going to reach our old ideas of toast is a little more than I can comprehend. Now, while I would rise to this response, I am still more embarrassed with this “Pioneer lawyer.” What does that mean? Who were the pioneer lawyers in this world? I suppose, if it has any meaning at all, those old English judges, such as Mansfield, Hale, Coke and Littleton, and that dirty old fellow, Strong. Those who got up this programme supposed, no doubt, that I was personally acquainted with these men. They thought, of course, from this white head of mine, that I was very intimate with them. If it didn't mean that, what did it mean? Well, these old

men I refer to might well be called the pioneers of the law. They aided in building the magnificent structure we call the common law, and perhaps that is what was meant. I am a little lost, and I hope the president here will stand by me in this trouble. Perhaps the toast may have had reference to the ten men I was associated with forty years ago. [A voice—"One hundred years." Laughter.] Well, not quite so far back as that; but I am willing to turn to the record, where I think you will find that I have been in practice over one-half that number of years. I recollect those judges and the lawyers of that day; and now let me say a word about the judges. They were a sober, dignified body of men, with a good deal more decorum than we have now, except in the Probate Court, although I have noticed lately that there is a little giving away there. But to go back to the English court, we have a great deal more dignity there than we have now. For instance, in regard to the manner of opening the court.

The only way with dignity that the court starts right is thus—the old way: "Oh yaas, Oh yass, Oh yaas. All ye have to do before the honorable Court of Common Pleas draw near and give your attention, and you shall be heard;" and then, at the adjournment, "Oh yaas, Oh yass, Oh yaas. All who have to do with the honorable Court of Common Pleas will depart hence, and give their attendance at 2 o'clock, and you shall be heard." The sheriff would pronounce that in a sonorous voice, and it made a strong impression on the outsiders [laughter], and shame to the people who instituted that charge we now hear, "This court is now open," and gives a whack or two with his gavel; and at the close, "This court is now adjourned until 2 o'clock this afternoon." What a shame to the people who will tolerate it and follow it! Now, gentlemen, let us go back. They went to court well dressed, and behaved a little better than they do now. Court day was a great day when I was a young man. I have seen that man (pointing in the direction of Judge Paine) with a swallow-tail coat, always in his best clothes. He was a most excellent man and an able lawyer, but he had one physical defect; he was what we call color-blind. He could not tell whether he had on a clean shirt or a dirty shirt. [Laughter and long-continued applause.] There was a little more decorum and a little less talking than there is now. And the mode of special pleading my friend referred to. We used Chitty's pleading. It was a close, metaphysical work, and thoroughly tested the character and mind of the man. I understand under the present mode of pleading it is simply necessary to state that Bill owes John, and John wants his money. But under the old-fashioned way of pleading a great deal of sharpness was exercised, and more time was taken up than the present generation will ever require under the existing practice. I am not very well prepared to talk upon this subject. It is a pretty broad one. But I have no doubt we have a great many new things that will help us along in our civilization. I do not

think, as far as the practice of the law is concerned, we have made any great advancement, although I am not competent to judge of this question, for I've been out of practice for some years. Probably some little advice to the young men would be in order. Now, my advice to you is this, and I am going to conclude with this advice. There are some points in which you can be improved. [Laughter.] May be you don't believe that. [Laughter.] When you go before the court, wear good clothes and those that fit you pretty well. A man thinks better of himself when he wears good clothes. Like myself. [Laughter.] And behave well, and don't raise too many questions; and, above all, have your reports sustain your arguments. There were but few reports in our day. Now everything is made from the reports, and there are reports without end, and I would like to inquire here if there is ever going to be an end?

Now, here lies the difference between the old practice and the new. A young man starts out for the office of the justice of the peace, and right behind him will follow a man with a whole mule load of reports. [Laughter.] They go before the justice and confuse him with these reports, one deciding one way and another another; and in this way the pettifogging is carried on. And then they will go with their load of books to the Probate Court, but you will have considerable trouble to get there [laughter], but along comes the load of books, and then you go to the Court of Common Pleas, and the Common Pleas, of course, will back up the question raised. We had but few of those reports when I came to the bar. We drew our conclusions from the common law. But as to the advice—when you go into court, behave well and raise as few questions as possible, and none unless they have a purpose and a direct bearing upon the question before the court. Now, in my experience in the Probate Court [laughter], a man is put on the stand, and is asked how old he is. He says, "I am eighteen years of age." The lawyer jumps up, and says: "Hold on; how do you know you are eighteen?" [Laughter.] "Were you there when you were born?" "Yes, I suppose so, but I don't know anything about it." "Well, how do you know you were there?" [Laughter.] "My mother says so." "No, that's heresay evidence. Bring in your mother." "She is dead." "Well, who was there besides your mother?" "Well, some other persons—ladies, I believe." "Well, bring them in," and then comes a conversation, and a dispute of about an hour. Now, my advice is—never object to a point in the case unless it has an important bearing on the question at issue. I know I'm not an eloquent, flowery speaker [pointing to the reporters—"You're not taking down anything I say there, I hope"], and now, brethren, I will close, and when your business in life is over, may it truly be said of you that you ably served one of the most dignified and honorable professions of the age.

ADDRESS OF JUDGE JONES.

Following Judge D. R. Tilden came the Hon. J. M. Jones, speaking on "The Administration of Justice."

It would be a vain attempt for the most silvery-tongued or gifted orator among you all to do even scanty justice to a theme like this within the brief period allotted to me for its consideration. But I take pleasure in solacing myself with the reflection that though you all believe brevity to be the soul of wit, you will no more expect me in five minutes' time to do justice to this occasion than you would imagine an unskillful navigator could make a journey to the Indies in a week, or an inexperienced artist paint a magnificent landscape in an hour. And I strongly suspect that your honorable and efficient committee were fearful that some of us had been bottled up so long on the bench that if we once got under full headway we might, like Tennyson's brook, "run on forever." And if they thought this goodly company could not "brook" such a tide of eloquence, I'm sure I, for one, cannot blame them for *daming* the stream so *very* near its mouth. Law, Mr. President, in its most unrestricted and comprehensive sense, is as broad as the realms of the boundless universe; it is as deep and inexhaustible as the mysteries of human existence; it is co-existent with, and as endless as, eternity itself; it governs as well the lowest form of inanimate matter as the highest emanations of eternal wisdom; it surrounds us everywhere as lovingly and firmly as the waters of the sea surround the inhabitants thereof, and it fills with its glory and fruition the heavens and the earth.

In its more restricted sense, the *law* rules, regulates and governs nearly all the multitudinous relations of life, from the very cradle to the grave; and, even after death, it distributes your accumulations of years, according to your will, and protects, or attempts to protect, in undisturbed rest, the frail clay you once inhabited. This municipal law is the result of the accumulated experience of centuries. The human race has been taught by the experiences of its long march from barbarism to civilization that law, order, equality of rights, liberty and justice, are highly essential and conducive to its progress and happiness. To accomplish these purposes, constitutions are made, statutes are enacted, courts of justice are established and their jurisdiction invoked. As a late writer has remarked, "A court of justice represents the judicial majesty of all the people; through the forms of law it utters their mighty voice in judgment. Property, character, liberty, and even life itself are involved in the issues before it, and it needs all the aid which composure can lend to reason to enable it to discharge wisely and impartially its manifold and most momentous duties."

The paramount importance of securing an able, learned and incorruptible judiciary, independent alike of executive power or of popular clamor or prejudice, and knowing

no master but the law and everlasting justice, has long been recognized in every civilized country of the world, and to secure such a judiciary and to place it in a position of entire independence has been the purpose of many statutory regulations. Hence, in the United States, the justices of the Supreme and other United States courts hold their offices substantially for life. The judges of the English courts, who previous to A. D. 1600 held their offices merely at the pleasure of the king, have now for nearly two hundred years been substantially secure for life in their positions, and only removable on the address of both Houses of Parliament. Prescott tells us, in his "History of Ferdinand and Isabella," that there were repeated and brilliant examples in the history of Arragon of successful interposition on the part of the justices for the protection of individuals who were persecuted by the crown, and in utter defiance of every attempt at intimidation. That the kings of Arragon, chafed by this opposition, procured the deposition, on more than one occasion, of the obnoxious judges. To prevent this interference, so subversive of an independent discharge of the high judicial functions, a statute was passed as early as A. D. 1442, making the judicial office one for life, and the judge removable only for sufficient cause, by the united action of the king and the cortes. This is said to be one of the most ancient precedents in favor of the independence of the judiciary, and favorably reflects on the wisdom of the free states of Arragon. Many other nations and states have enacted these or similar provisions to accomplish the same end, to wit: long terms of office, exemption from legal responsibility for judicial acts, and fixed salaries, which cannot be increased or diminished during their terms of office. Many splendid examples may be found scattered through English history where incorruptible and courageous judges and lawyers have protected the people and their liberties against the aggressions of kings, with an unyielding firmness and fortitude worthy of all praise. And modern history shows but comparatively few instances where the high duties intrusted to the judiciary have been faithfully administered.

But it is not possible for even an able, industrious, learned and incorruptible judiciary to thoroughly and efficiently perform its widely variant and multitudinous duties without the efficient aid which they are accustomed to receive from the industry, the learning, the tact and eloquence of the members of the legal profession. No profession in the world is superior in dignity to it; none are habitually called on to deal with subjects of more absorbing or momentous interest, and in no other profession has industry, learning and genius so frequently surmounted all obstacles of fate or fortune and "planted the shepherd's crook beside the sceptre." It is of the highest importance in this profession that there be at all times the most scrupulous honesty; the highest sense of honor; the most unflinching faithfulness to courts and clients; a courtesy and a chivalry

that utterly scorns all mean or unfair advantage over an opponent, and a culture as broad as the interests of men. It has been said, with some truth, "that the sparks of all the sciences in the world are covered up in the ashes of the law," and it is true to a remarkable degree that in the active practice of the law, involving an almost endless variety of questions and controversies, there is scarcely any department of human learning or experience that may not be involved or available.

At the bar, courage, tenacity, fortitude of the highest order are also frequently necessary in the performance of its highest duties. The legal profession is no fit place for weaklings, idlers, dawdlers, incompetents or frauds; and in no profession will such qualities sooner find and everlastingly retain their proper level. Let all the avenues to the legal profession be jealously guarded against their approach.

If I were not in this instance the veriest slave of time, I would like to briefly recall the noble and conspicuous part which lawyers in past times have taken in all of the most eventful of the great moral, political and military struggles of the world for liberty and constitutional freedom. In all these contests, they have conspicuously been the haters of oppression, the natural foes of despotism, the knight-errants of progress, and the chivalry of civilization; and, in all of these grand conflicts, they have garnered up for themselves and the profession they have graced and honored unlimited and unfading laurels and imperishable renown. But I am admonished by the faint shadow of a frown, which I fancy of our accomplished and courteous president, that the brief time allotted to me has already been more than exhausted, so I will at once yield the floor to a more eloquent tongue and a more congenial and delightful theme. I know you are eager to listen to the response to the toast, "To the Ladies," from the distinguished gentleman who is to follow me, and he will, if any one can, most beautifully and artistically proceed "to paint the lily and adorn the rose."

WHAT HON. J. W. HEISLEY SAID.

Hon. John W. Heisley next spoke on "The Trials and Rewards of a Lawyer," as follows:

How little our clients know what we suffer for them! How little they know of the sleepless nights we pass through contemplating and studying their interests! How many times we are embarrassed by the absence of the all-needed witness! All this we could not enlarge upon in these few moments. But though not feeling in a toasting frame of mind, I will mention another source of our trouble. We see a procession moving along; in front of it an old, gray-headed woman, wrapped in her poverty and rags, and made a pauper. For her we see no remedy. Behind her come the children, poorly clad and abandoned by the profligate husband. For her there was no remedy.

I saw in the procession a boy, long, lean and pale, and when I saw him a chill ran over me. And I let the procession go by, one by one, when I saw a woman, and in her hand a banner, and on the banner I saw the word "Kerruish." [Applause.]

It is said, a farmer requests a fee simple in land; the lawyer requests a simple fee in hand. [Laughter.] Now, once in a Probate Court [laughter], in a city I practiced law in for a good many years, and I do not want to name the city, I found the judge was trying an Irish woman. The judge was about to sentence her, but said. "Now, Margaret, the facts are complicated. I told you that if I ever found you guilty again I would send you to jail, and here you are, and I ought to send you up—it is my bounden duty; but then, you have a young baby in your arms, and what will you do with that? I will allow you to depart this time, and if you are found here again I will convict you if you have a dozen babies with you." She went out and said to the woman at the door, "It's a darling baby; but take your baby, bless its heart, for I would rather have the speech of that little baby in the court than all the speeches of all the lawyers in christendom."

Hon. John Hutchins followed, in an able and entertaining speech, in response to the toast, "The Ladies."

HON. F. J. DICKMAN.

The concluding one of the regular toasts, "The Lawyer's Influence in Our Daily Life," was responded to by the Hon. F. J. Dickman, as follows:

MR. PRESIDENT: It will not perhaps be pardonable at a social board like this to fall into a very grave mood of mind. Amid the sober realities of professional life, this occasion seems like a passage from the dead level of daily routine to the high lands of light and goodly prospects and cheerful sounds. But while we seize this auspicious hour as it passes, we are not required to forget that it is only a slight return for the contribution of our profession to the happiness and well-being of others. It is not exaggeration to say that the form and pressure and complexion of the daily life of the community at large are due more to the labors of lawyers, as a class, than to those of any other body of men. In all our relations, private and public, we feel the influence of the law and its votaries. In the great struggles for liberty, the leaders of the legal profession have been foremost; inspiring, encouraging and achieving. Free institutions and popular government have found in our profession a powerful conservative force and safeguard. The principles of the habeas corpus act, the petition of right, the bill of rights and other muniments of public liberty owe their embodiment, in the largest measure, to the patriotism and ability of the masters of the law.

Indeed, the great mass of legislation involves the exercise of their duties and functions. The prime object among men, in the organization of society, is the admin-

istration of justice. So true is this, that it was said by a philosophic historian, that the English people were to look upon the vast apparatus of their government as having ultimately no other object or purpose but the administration of justice, or, in other words, the support of the twelve judges of England. And if it were possible for human nature to become so degenerate that justice would entirely quit the earth we believe it would be truthfully said that almost her last residence was among the learned and upright followers of the legal profession. It is their office to redress our wrongs and vindicate our rights of person and of property. Theirs it is to shield us from the hand of violence, from the contrivances of fraud, from the oppression of power. We need not ask who have been the most effective agents in furnishing a guaranty of peace and security to the order-loving and law-abiding citizen. By day, and in the watches of the night, when encompassed by perils, real or imaginary, it is upon the law-making power that we must rely for safety and protection.

In the alienation of property, in all the multitudinous engagements and operations of trade, the cautious man of business will lean upon his legal adviser. When he prepares for the last hour, as a man of prudence, he will call to his aid his counselor and friend, that he may transmit and distribute the earnings of a life-time, without leaving a legacy of discord to those who are to come after him. And right here let me drop a word as a plea in justification. The legal profession is sometimes charged with rashly fomenting litigation. But, amid the contentions of the forum, the careless observer is too prone to forget that those who apparently breathe only the atmosphere of strife are elsewhere, with equal earnestness, engaged in the offices of compromise and peace-making—in the exercise of their best talent and diplomacy, to avoid the first entrance into the arena of litigation.

The lawyer's influence in our daily life is a distinctive feature in this commercial age of ours. Who shall estimate how much has been done for commerce in modern times by the learned and liberal minded men who have illustrated the bench and bar in England and in our own country? Let us pronounce, with veneration, the names of Mansfield and Holt and Stowell, of Kent and Story, and others, who have reared for us the symmetrical structure of our commercial law from materials that were once a rude and shapeless mass. The trader, who pursues his gains with moderate capital and venture—the princely merchant, who draws his bills of exchange and sends out his ships and brings home the wealth of the Indies—the sailor, enamored of the perils of the sea—the underwriter, who insures our property on the land and on the water—all feel that their rights are fixed by no uncertain tenure, and are protected under that system of commercial law which has grown to its fair proportions through the wisdom of the great lawyers of modern times. It may well be the pride and boast of the legal

profession that, as an active power in an enlightened and progressive age, it has done so much to meet the wants of a growing commerce and foster the great interests of the mercantile world.

Yet, after all, are the rewards of the legal profession commensurate to its toils and sacrifices and achievements? The well-known and fitting epitaph of the successful lawyer is that "He worked hard, lived well and died poor." The inadequacy of legal emolument may, indeed, prevent the accumulation of wealth. But the learned and virtuous lawyer and judge has not failed, if in his professional life all the ends he has aimed at be those of truth and justice. No one, we are told, could know Sir Samuel Romilly and doubt that he only valued his own success and his own powers in the belief that they might conduce to the good of mankind, and that each step of his progress might be attended with some triumph in the cause of humanity and justice. With leaders and guides like him, along the arduous paths of professional life, there cannot be a nobler reward than success in the emulation of their virtues.

The regular programme of toasts being now concluded, volunteer speeches were called for.

SECOND BAR BANQUET.

The brilliancy of the first inspired the second bar banquet, which transpired in February, 1881, at the same hall. The Supreme Court, the United States District Court, the Common Pleas, the Probate and other local courts had each a representative, Judges Boynton and Welker, of the two first named, occupying prominent places in the assemblage. Hon. James Mason presided at the central table, with Judge Stevenson Burke and Judge Darius Cadwell on either side. Another table was presided over by J. E. Ingersoll, Esq., while Hon. R. P. Ranney and General M. D. Leggett sat at the head of the remaining two. Other legal gentlemen, of more than local fame, were R. C. Parsons, Judges McKinney, Barber, Hamilton, Williamson, Jones, Pennewell, McMath, Tilden and Cleveland.

The Germania orchestra played some of its sweetest selections during supper. Ladies again added graces to the occasion, making in all 350 guests. Rarely, if ever, were more interesting after-dinner speeches made here or elsewhere.

The speech-making was inaugurated by President Mason, who introduced Judge Boynton, of the Supreme Court, as the first speaker.

JUDGE BOYNTON'S SPEECH.

The opportunity offered to meet so many of the members of the Cleveland bar compensated, in some degree, the misgiving I felt at the undertaking to respond to a

toast. Persons engaged in the administration of justice know very well the magnitude of the subject, and how difficult it is to say very much about it, that will be of any consequence, in the few moments allotted to an occasion like this. "The Administration of Justice" involves the necessity of two things—the providing of just and wholesome laws, and their just and impartial enforcement.

When the state provides laws, and the machinery for their prompt and efficient administration, which give full and complete security to life, liberty and property, it discharges its whole duty to the citizens. For, although the great body of rules prescribed for the regulation of civil conduct, or the business affairs of life, is of vast proportions, and designed to meet all the wants of society, they are all made for the ultimate end and purpose of vindicating and protecting the rights of person and property. And I believe it can be safely said, that in the jurisprudence of no country is this security more certainly assured than in ours. The principle drawn from the common law that the right of no person shall be taken from him, except by the judgment of his peers or the law of the land, is regarded in no country in the world as more sacred than in ours.

It lies at the very foundation of all our institutions. It matters little in what words the principle may have been formulated, the fundamental idea is, that rights of person and property cannot be taken away, except in the mode and through the means and instrumentalities to which every citizen is subject. It is true, that the mere providing of laws, although fully adequate, when administered, to do entire justice between parties litigant, is a duty but half performed. They are of little value, however just in their provisions, unless executed in such time and manner as will secure their beneficial effects. If the laws, which are prescribed for the regulation of the conduct and dealings of men in their intercourse with one another, were strictly observed, or if to do unto others as we would have others do unto us were a law of our nature, from the obligation of which we could not escape, there would be little need for courts of justice. In such case, justice would administer itself. But, as such is not the case, it became necessary to create tribunals to which the public administration of justice should be committed. I cannot attempt here to trace the origin and history of these tribunals, although forming a very interesting chapter of English history. Following their establishment, and to bring the administration of justice more nearly to those affected by it, there was engrafted on those tribunals, which, in the distribution of jurisdiction among the courts, were to administer common law remedies, the right of trial by jury. At the same time came the advocate, who, by reason of his special training and learning, became an almost indispensable factor in the administration of justice. As the king was the fountain of justice in the theory of the English

constitution, all courts of record were his, in right of royalty. But in this country, all courts, whether of record or not, emanate from a source, which, if unroyal, is at least equally sovereign. With us, a court of justice represents the whole power of the state. It is the representative alike of the power and justice of the collective body of the people, whose laws it is constituted to administer. I can conceive of no business pertaining to the affairs of life, which, in point of dignity and importance, or in its influence and effect upon society, or in the pleasure it affords to those engaged therein, whether upon the bench or at the bar, bears any comparison to that connected with the practical administration of justice. New relations growing out of new activities, and new developments in the arts and sciences, give rise to new and important legal questions; and it is in the investigation of these questions the lawyer takes a special interest. Mr. Lieber, in his "Civil Liberty," says, that "a living common law is like a living common language, like a living common architecture, like a living common literature. It has the principle of its own organic vitality, and of formative as well as assimilative expansion, within itself." It is the finding and applying of the principles of law, which arise out of new relations and new combinations of facts, that constitutes one of the most pleasing features of legal investigation. But the subject has a less interesting aspect, and one which, at the present day, has great practical importance. It relates to inefficiency in the administration of justice, growing, no doubt, out of a variety of causes, one of which is the long delays which intervene between the commencement of an action and its final determination. This is not only true of our own state, but, I believe, is generally true of all states having great commercial and manufacturing interests. And the problem now before the profession is, how the difficulty can best be solved, and a better effect given to that provision of the constitution which declares that all courts shall be open * * * and justice administered without denial or delay. * * *

I trust it will not be deemed impertinent for me to suggest that an adequate remedy cannot be found for the ills complained of, except by examining and considering all the causes from which they proceed. Some of these, I will venture to name:

First, we have become a great commercial and manufacturing state. A network of railroads not only threads the state, but manufacturing establishments are found in nearly every locality. This change in its business character, in connection with new relations growing out of new enterprises, necessarily and largely increases litigation.

Another, and a prolific source of delay in appellate tribunals, grows out of regulations pertaining to the practice, and the mode of making up records. I refer, first, to the right of parties to go to the court of last resort, with the evidence, and ask that court to find the facts; and, secondly, the vicious practice of making up bills of ex-

ceptions from stenographic reports of every word uttered in a trial, from the opening of the case to the close of the testimony. These bills, instead of confining their contents to the evidence, and such questions of law as arise during the trial, bring upon the record every question asked, as well as the answer; every objection made by counsel, together with his argument thereon. The time of the court is necessarily taken in reading a large mass of matter that ought to have been left behind. It is not an unfrequent occurrence for the records, when printed, to contain several hundred pages of octavo matter.

Another source, not only of delay but of litigation, is the frequent change of statutes and the careless manner in which they are drawn. I very much doubt whether any one thing can be found that would more certainly lighten the labors of both court and counsel than statutes clearly expressing the purpose intended, and so just in the principle enacted as to make modification or repeal unnecessary.

There are many other causes of delay, in the administration of justice, which time will not permit me to mention. With all the difficulties attending it, it has, to one who loves his profession, a peculiarly bright side, one of the most pleasing of which is that it brings into friendly and social intercourse men deeply imbued with the love of that quiet science, the study of which has been well pronounced to be the most honorable occupation that could engage the human understanding.

At the conclusion of Judge Boynton's response, the president read the sentiment, "The Court Below," which was ably replied to by Judge Henry McKinney, of the Common Pleas Court.

JUDGE M'KINNEY'S SPEECH.

MR. PRESIDENT, LADIES AND GENTLEMEN: In rising to respond to the sentiment just read, I am not a little embarrassed at not quite comprehending just what is meant. "The Court Below," in its broadest signification, probably embraces all the tribunals "beneath the rolling sun and starry skies," every tribunal inferior to the court presided over by Him

"Who in the highest heavens has fixed His throne,
Supreme of Lords, unbounded and alone."

Yet I can scarcely believe I am expected to go tearing through the universe on such a tour. Much preferring to make a mistake than set out on such a journey, I have determined to strike for the best institution of the kind I know of on earth. I need scarcely say I allude to the Court of Common Pleas. Whatever may be said of the Supreme Court, or of any other court or courts, high or low, it can be truly said of the court below that among all the tribunals in our system of jurisprudence there is not one so loved by, nor one so wholly and completely the court of, the

people, and so entirely the work-house of the *good* lawyer, as is the Court of Common Pleas; not one that nestles so near the great heart of humanity, and administers justice with a purer or whiter hand.

It is sometimes said that words are mere things; that

“Words are lighter than the cloud foam
Of the restless ocean spray,
Vainer than the trembling shadow
That the next hour steals away,”

and yet we all know that they often expand, and their power attains to regions far above the range of man's capacity, that they are not *mere* things, but become endowed with wondrous power. “How forcible,” says Job, “are right words.” The word “below” has made me very suspicious of this toast, and I have been edging around for some time to know where to begin. I have concluded to treat it as meaning something, and as not meaning anything. By such a course, I shall hit both sides of the question, and thereby give the court and jury their choice, and undoubtedly remove very many difficulties from the mind of the court. Of course, the court above prefers to hear both sides of the question, so that it can decide on both sides. But, seriously, it certainly is not intended by the use of the word “below” to characterize the Court of Common Pleas as a tribunal of little importance, for I apprehend it must be confessed that, whether regarded in respect to its jurisdiction (especially in divorce cases), the extent and magnitude of its business and its importance, or the character and ability of those who practice therein, or the number and great learning of those it furnishes to preside in the higher courts, it is inferior to no other tribunal.

Like the valley, it may appear humble, still, everybody knows that the valley is richer and more fertile than the mountain top; that orange groves are not found on mountain sides and hill tops—that it is *below* where grand and majestic rivers roll, carrying on their bosoms the product of every clime and land, and it is from *below* the sweetest fragrance of choicest flowers come.

The court below is a lively institution, it is up and doing, its dignity does not overcome its usefulness, nor is it under the necessity of hiring “journeymen.” The difference between it and some other courts is the difference between the stagnant marsh and the flowing river. It is the spot and tribunal where men are made to *think*, where men are trained, cultured and disciplined, and fully qualified to discharge the duties of all other courts.

It is the court of force and power, the court of orators and oratory, the great American school of eloquence and reason, where the understanding is convinced by logic, and the feelings thrilled by the art of the orator. It is the school in which the great “defender of the constitution” mastered that eloquence which, in his immortal

reply to Hayne, rolled like a swelling flood through the halls of the Senate, burst their confines, and, with volcanic power, shook the land with the bugle-blast, "Liberty and Union now and forever, one and inseparable."

It is a useful court, an indispensable court—the court of the poor, a court where even-handed justice flows in an unbroken stream, the court on which the eye of divine justice rested, as it spanned the gulf of centuries, and the mandate went forth, "Open thy mouth, judge righteously, and plead the cause of the poor and needy."

All judicial tribunals strengthen and sustain civilization, and in this sense the court in which the people have confidence, the Court of Common Pleas, I have always regarded as a court of great power for good. It so happily blends itself with and so becomes a part of society that it lends to the government an assurance and strength that no other court can. Let the commercial world throw away the compass, and trust to chance to guide their ships, how soon would stagnation spread its green scum over all the world? Who could hope for anything short of disaster and ruin for all the beautiful cities of earth? Dissolve and do away with judicial tribunals, particularly "The Court Below," around which cluster so many glorious memories, and it requires no prophet to announce that all is submerged beneath a rolling stream of anarchy. In this court, more than in any other, it is that the hidden villainies of wicked men are unmasked and brought to punishment.

I feel, Mr. President, that I have occupied too much time, but before I sit down allow me to say that the gentlemen who practice in "The Court Below" do not feel at all hurt by any attempt on the part of others to belittle our court; we entertain no other feelings than those of pity, and say, as did the Prince of Peace, "Father, forgive them; they know not what they do."

Judge R. P. Ranney next responded to the toast, "The Pioneer Lawyer."

JUDGE RANNEY'S RESPONSE.

This toast, Mr. President, seems to be "Monsieur Tonison, come again." [Laughter.] It was here last year [laughter], and responded to in a most interesting manner by the distinguished judge of the Crowbate Port. [Laughter.] As a matter of course, he disposed of the most that pertains to it; and I only come forward now as a sort of administrator *de bonis non* [laughter], to close up what he has left. [Laughter.] Indeed, he has administered upon most of the estates of the pioneers. [Great laughter.] From the best information, however, I can obtain, the estates of Coke and Blackstone were closed up just before he came into office. [Laughter.]

The pioneers. I find, on looking over and recalling what Brother Tilden said last year [laughter], that he has left two classes of pioneers a little out of the account.

I suppose by the pioneers is meant those that have come into the Western country from the old states for the purpose of practicing law in times when this state was being settled. In the first place, there are the regular pioneers—those who came on here early, those who came with the original settlers to the state; and I presume the gentlemen of the bar will at once agree with me that no stronger or better body of men ever came to any state in this Union than came to Ohio with the original companies and the first settlers. The state was very peculiarly settled. Here in the north was the Connecticut Company, that filled it up along the lake border to a great extent. A little south there is the great belt of country that was flooded from Pennsylvania and New Jersey—the Dutch country. Then came the reservation down in the Muskingum valley, of the tract for the officers of the Revolution. Then down the Ohio river, the little colony of Frenchmen, at Gallipolis. Then there was that important company, the Ohio Company, that settled Marietta. Then came that great tract of country, the very garden of the state, lying between the Scioto and Little Miami rivers, called the Virginia Military District. And then came John Cleve Symmes, who acquired the city of Cincinnati and the surrounding country.

Now, with these old pioneer settlers, come pioneer lawyers—gentlemen distinguished for their ability, and from the peculiar fact that they came from so many different directions, from so many old states—indeed, all the old states—from Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, and finally, the Virginia Military District from Virginia, and all the old states south of it down to the Carolinas.

When they all got here together, and first began to organize civil government here, there never was a body of men having better opportunity to discard and throw away all the peculiarities—the senseless peculiarities, if such they were—of the old states. They came together and formed a constitution, enacted a body of laws that are perfect models and that served the state for almost fifty years. Those were the old pioneers. I wish I had time to go through and recall their names to you. Since I have been over the state, some of them still survived, and were in active life. They were the educated pioneer lawyers of the state. In this part of the state, a single illustration will be remembered in a moment when I speak of Judge Hitchcock, who came down to our own times, and who was one of the original pioneers, coming with the original settlers. At a little later day, another lot of pioneers came here, and they were made down in New England, so far as this part of the state was concerned. I once heard a colored philosopher lecture on the proposition that mankind was created and not made. [Laughter.] These original lawyers that came to Ohio in the first instance seem to have been of the created sort, but afterward lawyers were made in New England for the Western country.

And now, living there as a boy, and absorbing as boys do—for I think, after all, that while boys may understand very little of the meaning of what transpires, they still have ears and eyes that enable them to absorb a great deal, and it all comes into requisition afterward. Indeed, it is doubtful if we know much more in the end than what we get in boyhood, and we apply it afterward, as experience and judgment dictate. Now, down low in New England, where Brother Tilden came from [laughter], and I did too, another set of pioneer lawyers came on here. They are almost all worn out now. Many of them were very distinguished men, but they were not all so. Now, how do you suppose they are made down in that part of the country—from the hills and the mountains? Why, I can remember distinctly hearing them talk about how they were made there. They would take a well-to-do farmer, or business man of any kind—rich man, worth three or four thousand dollars—[laughter] that made a man rich in those times—and having a medium family, say ten or twelve children [laughter], and if they ran to boys pretty well, which was never regarded as a great calamity amongst them, he would have two or three to put into the learned professions. If they were divided up with girls, perhaps he could contribute but one. But the ambition of all such men was to have some boy in the learned professions. I heard it remarked amongst the old people there that when they selected those to be put into the professions, they generally took those that were not good for much else. [Laughter.] If they had a boy that would not get up early in the morning, or that would only work while he was watched during the day, that boy was adapted to a profession. [Laughter.] He had got to be educated. That was a most excellent idea with them. They never thought of crowding upon the world an uneducated boor, and putting him in a profession, especially the ministry or the law. I believe I did know in those days they made doctors of some who had not progressed very far in learning, but generally they were educated, and the idea was prevalent that they must be graduates of a college. The minister of the town could prepare them for college without much expense. A little produce off the farm, a quarter of lamb, and such things once in a while would do well enough for them. But then, when they came to go to college, there was an additional expense upon the family, and they had to make it up. It was a great credit to them. They had to make it up in savings, and by being a little more industrious, because the boys must be educated and fitted for some useful employment in life. The hens were not permitted so often to steal their nests after that. [Laughter.] The milk was skimmed a little closer before it was turned into cheese. [Laughter.] Indeed, it was often brought down to the point where it had very little of the look of the milky way in it, but rather of that azure blue that poets have so much glorified [laughter], and all the various modes of saving. When these boys got

into college, their after lives were marked out. This one was to be a doctor, that one a clergyman, and the other one a lawyer; and the boys were immediately put on the roll that was adapted to their station. The future clergyman got a white handkerchief, and had a pious look wherever you would see him. [Laughter.] When vacations came, he attended the sewing societies and all that sort of thing. [Laughter.] The future lawyer immediately looked wise. [Laughter.] He wore a white fur hat, and always carried a bandana handkerchief to put over it if the weather was damp. [Laughter.] His head was a little turned over. It had got to be so heavy he could not hold it upright. [Laughter.] The future doctor would commonly have a slouch hat, and look at you just as though he longed to be at you with a carving knife [laughter], and if he did not succeed in doing that, he wanted to impress you with the fact that he would dig you up as soon as you were buried. [Laughter.] They got through college. The dull ones got through, too. I suppose some of them came out with the knowledge that the earth was not absolutely flat, and did turn over, so far as natural science is concerned, although when they came home in vacations and told their grandmothers so they never would agree to it. They knew better, because they would fall off if it did. [Laughter.]

Then the lawyers of the town—because there were lawyers then—would educate the boys, and fit them for the profession. Not that they were very great practitioners, but then they issued writs, and got one and ninepence for it. They often went to the general court, and the little litigation that sprung up would commonly be about letting pigs run in the street, without having rings in their noses, or geese without having yokes on them.

Well, they came to this country in that way, fitted for the West. The common saying was, that while they might not all be very smart down there, they were good enough for Western communities. New Connecticut was a proper place for them to come to. Most of them being naturally smart and educated, would soon find a means of adapting themselves to Western populations. They soon realized that a Western population saw as far into a millstone as those they had left behind; and, adapting their conduct to the taste of a Western population, they immediately became our leading lawyers. The ignorant ones would come on, and nobody could get anything into their heads. I remember one of that class very well, one that had been practicing a number of years. I was set, while reading law, to defend some boys accused of riot—a tumult occurring in front of a public house. Our defense was, that they could not identify them. We got along swimmingly, until at length they called a girl who swore she looked out of a window and saw them, and she identified two or three of them. How to get out of the scrape was the next thing. It occurred to me

that that lawyer had brought along a domestic from New England. One of the undoubted rules of law in those days was that you could not swear to anything you could see through a pane of glass. I had not impudence enough to make the suggestion to the justice, for, being a Western man, he would probably have kicked me out of the house; but I said to the lawyer, "you don't claim now that this girl can swear to what she saw through the glass?" Well, he asked her if she didn't shove the window up. No, she said she did not, she looked right through the glass. "Well," said he, "I swear, I suppose you can't testify, then." [Laughter.]

Those were the pioneer lawyers. They were made down in New England—made over in Connecticut, just as they were over in Western Massachusetts. I lived on the high hills of Western Massachusetts, where I could see over onto the hills of Connecticut, where Brother Tilden lived—those very hills in Connecticut from which the old governor of that colony assured Charles the Second he could see the Pacific Ocean, and thereby got a grant which ultimated in the claim of this territory here, and secured to the state 3,000,000 acres of land. They did it all in the same way, and it is all creditable to them—to their industry and their saving—for they had to save. And that is the way pioneer lawyers are made.

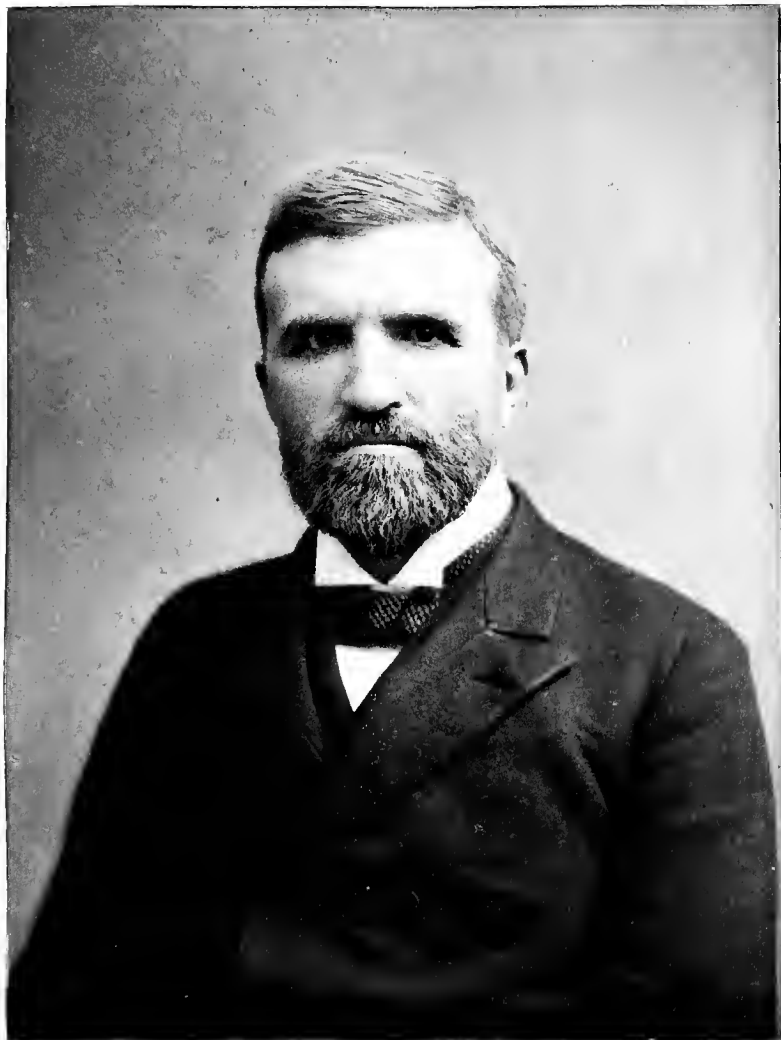
This pioneering of lawyers, from other states into this, has ceased for a considerable time. The domestic manufacture is quite up to the domestic wants [laughter]; and if it continues for a few years longer at the same rate, we can not only supply Ohio and the United States, but Europe, Asia and Africa, if they want them. [Laughter.] There are no more pioneer lawyers, therefore, for this state. Two sets have come on. The one came with the original settlers, when large portions of the state were still occupied by native tribes of Indians. The other came at a later day, and as a means for the overflow of the New England populations, especially of the western populations in New England. They all came on educated. That was the point with them. Industry and savings were the means by which parents educated their children for the professions. As a body, therefore, they were educated men. As a body, they were highly creditable lawyers. But, as a matter of course, there were some that were incompetent. It was to that body of men that my friend referred last year—to the best specimens of them—to those who wore ruffled shirts, etc. But I bring forward the rest of them, and as a faithful administrator *de bonis non*, I commit them all to the Probate Court now for settlement. [Applause and laughter.]

Calls were then made for

JUDGE D. R. TILDEN,

who rose and said:

MR. PRESIDENT AND GENTLEMEN: I don't understand this arrangement. I am not down in the bills for a speech here. The regular toasts are not disposed of, and it



A. J. Heaver

strikes me that it is not quite in good taste for me, being an interloper, to say anything here. There is one thing, however, I have become a little excited upon. [Laughter.] My friend, the judge, on my right here, has undertaken to get this Common Pleas Court of his that he talked about lower than the Probate Court. [Laughter.] That can't be done. [Laughter.] And when he comes to talk about the usefulness of that court, I would like to be heard upon that proposition. [Laughter.] What have you done in comparison to what has been done by the Probate Court? [Laughter.] Don't I set in motion all the weddings there are in this county? [Laughter.] And don't you go to work and try to dissolve them? [Laughter.] Don't I attend to all the widows and orphans? [Laughter.] The very first that that one says on coming into my court is, "Look here, judge, for heaven's sake, don't have any litigation; we don't want to get into the Common Pleas" [laughter], and it has got to be so now—I don't like to bandy words with my friends here, for they are good friends—it has got so now that it is probably not an uncommon thing for a man to say, as he sees some one going across to his cell, "There's a fellow come out of the Common Pleas—got his case through." [Laughter.] They call it "juryosophy." [Laughter.] It is easy enough to get them in there, but how few of them ever get out. [Laughter.] So, when you come to compare the usefulness of your court with mine, I want it distinctly understood that I wish to be heard upon it. [Laughter.]

Now, with regard to my brother Ranney, here, he has complimented me a little too much, I think, upon my effort here last year. I have known him ever since he was a young man. I recollect about the first time I ever saw him. There was one peculiarity about my friend, the judge, when a boy. He had a kind of solemn look—a Puritanic cast of countenance. [Laughter.] I never could quite understand it—a little unsociable. But he had a sort of prescience, I think, when a boy, of the dignities and honors that awaited him in his profession, and I attribute to myself a large proportion of that influence that has brought him out of that state of mind. I say—and I am compelled to say it with some reluctance—I was like Falstaff—not only witty myself, but the occasion of wit in other men. [Laughter.] I went at him, and brought him out of that condition of mind in which I found him—[laughter] sober, and sad, and solemn-looking—a little sour [laughter], and I have made him one of the most genial, social fellows in the world. [Laughter.] Once in a while I notice that he puts on that look, but never when I am around. [Laughter.]

It is my pleasure to say that he is one of the most distinguished men in the state, and one of the men to whom my early associations are more strongly attached than to any other. * * * * *

The judge, here, attempted to fix the date at which I came into existence.

Judge Ranney—No, the date that you came into office. [Great laughter.]

Judge Tilden—Well, it is a point of embarrassment to a great many men. [Laughter.] I know this—there are young men in this county that have good, strong beards upon their faces that were born since I came into the office of probate judge. I issued the marriage licenses to their fathers and mothers. [Laughter.] About 365 times in the course of a year the inquiry is made of me, “How old are you?” and I want to settle it to-night if I can. [Laughter.] I don’t belong to the prehistoric race. [Laughter.] I am not an antediluvian. [Laughter.] But I was thrown by some mysterious providence just inside of that line that separated us from those by-gone ages. [Laughter.] Now you will understand about the time I started. [Laughter.]

Now, young men, one word to you, and then I will let you alone, if you will let me alone. These associations are of vast benefit to you, and I want to call your attention to that fact. I think I already notice in those that are around me here an improvement. This is good society to be in. It is calculated to cultivate the social qualities of the profession—to make its members a little less avaricious, a little less desirous of charging and collecting fees, and to have a broader feeling for humanity. Now, you keep up these associations. You get impressions here that will probably last you through the year. If you do not, just call another meeting. * * *

The next toast, “The Lawyer as a Moral and Intellectual Force,” was responded to by J. E. Ingersoll, Esq., in the following language :

JUDGE INGERSOLL’S SPEECH.

MR. CHAIRMAN I do not understand the sentiment in response to which I have risen as calling on me either to post the debit and credit account in respect of morality and intelligence between society and the legal profession or to recount the many notable instances of valuable aid bestowed from the profession in the improvement of society, or in the support of a wholesome government, fruitful though both these topics be in illustration of the sentiment just offered.

Nor can it be expected of me that I shall stand the advocate of such a flattering and gross perversion of the sentiment as should declare that a lawyer is *ex vi termini* a moral and intellectual force, for there is no such miraculous potency in the air breathed within the bar as can transform a villain to a virtuoso, or a fool to a philosopher.

But what I understand, sir, to be involved in the sentiment is that the practice of law by those who engage therein honestly, earnestly and faithfully, does, from the very nature and character of the pursuit of the ends sought to be reached, of the means appropriate to their accomplishment, and of the occasions when and where they are wrought out, naturally and largely contribute to the authority as well as to the power

of both good morals and learning, and I confess, sir, to hold in no slight estimation the place of precedent given in the sentiment to the moral before the intellectual. These qualities are certainly so noted by every client who has valuable interests to entrust to the keeping of his lawyer. That sterling test for official fitness which, half a century ago, made famous the politician who originated it, "Is he honest? is he capable?" is no less expressive of the elements and of the relative order of their value which must enter into the character of the lawyer when honest men seek to employ. If we consider the nature and character of the ends sought to be reached by the practice of the lawyer, we shall find them to be such as tend to enlarge his understanding, to quicken his sense of right and wrong, and enlist vigorously all his powers for the establishment of justice, knowledge and truth. Whether we accept the terse utterance of that Great Teacher who, more than eighteen centuries ago, among the hills of Judea, compressed the volume of law in so compact and forcible an epigram as silenced the caviling scribe: "Thou shalt love the Lord thy God with all thy heart, and thy neighbor as thyself." Or, if we rest upon that eloquent writing of Richard Hooker, "Of law no less can be said than that her seat is the bosom of God; her voice, the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, the greatest as not exempt from her power." We find in either formula expressions of the depth, the purity and the unfailing supply of that fountain from which are flowing forth streams that enter into all the relations of life, along all the paths of human endeavor, and within all the domains of human possession; being everywhere fertility, beauty and joy.

It is in the daily study of the application of law to all the manifold relations of man in society that the labor of the lawyer is applied. In searching out what are the rights and duties of man in his various relations: as parent or child, as master or servant, as governing or governed, as adjudicating or being adjudicated upon, as a person natural or one composing with others a person artificial, as an individual, or as one aggregating with others the state, or it may be in extending the search through the broader field of international law,—everywhere and at all times the contemplation and study of these subjects tend to increase in the mind engaged therein its sensitiveness, both in moral and intellectual perception, and at the same time its growth in moral and mental power. There is doubtless great difference in the degrees in which different individuals of the profession respond to the elevating and ennobling power, and also in the degrees in which they radiate upon society; but the fact does not detract from the fitness of the expression which denotes it or a force uniform in its tendency to elevate and purify. I grant, sir, that there needs be in the lawyer himself a receptivity for this healthful and benign influence. I have assumed

as much in confining my response to this sentiment to the case of the honest, earnest and faithful lawyer; and when the contemplation and study of these great principles of law, as above expressed, come to engage the daily attention of such a lawyer, though at the outset he be weak in moral and intellectual force, yet if he have within the life-receiving germ, as when the beneficial sun, shining down into the ooze of a stagnant pool, finds a bulb which it warms into life, and draws up the budding and growing stem to the surface and to the light, and there spreads out upon the bosom of the water a flower which outlives the splendor of Solomon, so with the benign influence of the daily study of the principles of right and duty bring to blossom out the fragrance and beauty of a spotless life. And when the lawyer comes to be thoroughly imbued with a love of the law, and with a sincere respect for its rightful authority, his moral and intellectual force will not fail to be felt and acknowledged in society. Now, will any such lawyer lack opportunity for the display of such power? To only a few in the profession may it be permitted to experience what Sydney Smith has so finely written: "To breathe the incense of popular favor, and to say it is grateful and good," when the honest, temperate, unyielding advocate, who has protected innocence from the grasp of power, is followed from the hall of judgment by the prayer and blessings of a grateful people. Yet every lawyer will have daily occasions when in the privacy of his consulting room or in the public exercise of his profession he can make to be felt this power for the advancement of morality and knowledge. * * *

With such ennobling subjects for his daily study, and with such efficient incentives for his action, it is only a natural result that the lawyer who lives and labors in harmony with such environment need never fold his hands from lack of employment, nor estimate lightly the dignity of his vocation; and I may be certainly pardoned in concluding with a quotation from that distinguished writer to whom I have above referred, whose many logical and pungent essays in the *Edinburgh Review* established for him abilities that would have secured at the bar as high distinction as he won in the pulpit. To our profession he has given advice, which, if followed, cannot fail to develop and enlarge the moral and intellectual force of our guild.

"When the robe of the advocate is laid aside, so live that no man shall dare to suppose your opinions venal, or that your talents and energy may be bought for a price. Set out with a firm determination to be unknown rather than ill-known, and to rise honestly if you rise at all. Let the world see that you have risen because the natural probity of your heart leads you to truth; because the precision and extent of your legal knowledge enable you to find the right way of doing the right thing; because a thorough knowledge of legal art and legal form is, in your hands, not an instrument of chicanery, but the plainest, easiest, shortest way to the end of strife."

When the applause called forth by Mr. Ingersoll's speech had died away, the president announced the toast, "The Lawyer in War," which was responded to in a soldierly manner by General M. D. Leggett.

GENERAL LEGGETT'S RESPONSE.

The lawyer, as a lawyer, has a very narrow field in war. It is proclaiming very nearly the truth to say that war begins where law ends.

I judge, therefore, that I am expected to speak not of the lawyer as a lawyer in war, but of the lawyer as a warrior—not of the lawyer in his black coat with his green satchel—but of the lawyer after he has doffed the black for the blue, and exchanged the satchel for the sword.

The study of law is the study of a science—its practice is an art. The military has its science and its art. The art of law and the art of war are not entirely unlike. The practice of law has its strategy as well as the practice of war, and the experience that comes from the practice of legal strategy undoubtedly quickens one's wits for learning the practice of military strategy. The lawyer, like the warrior, has, when in active service, an antagonist always in the field to keep him alert. He takes his position with all the care of a military commander, and as far as circumstances and his knowledge of the situation will permit, he chooses what his judgment points out as the strongest ground for defense and assault. This he fortifies as well as he can with the means at his command. Like the military commander, too, he often finds all the best ground in the hands of his adversary, and only hopes to hold his position by an exhibition of Quaker guns—a show of strength and confidence he does not possess. Mere impudence has won many battles in war, and so it has many cases at law.

* * * * *

The practice of the law, especially the open court practice, is a constant war, with innumerable battles. Learning is pitted against learning, skill against skill, and shrewdness and cunning against shrewdness and cunning. These engagements are often more than seven days' fights, and call into play almost superhuman energy and endurance, and exhibit almost matchless wisdom in adapting means to ends. Such conflicts rapidly sharpen and point the natural acumen of the intellect. They quicken the power of thought; they make observation more watchful; they temper rashness with discretion; they drive cowardice from the profession, and develop and crystalize into character manly pluck and courage. Which one of these characteristics can we dispense with when we transform our lawyer into a warrior? The lawyer, like the warrior, must be able to take his position at sight, and know how to make the best use of it. The warrior needs all the acumen, the shrewdness, the cunning, the persevering energy, the vigilance, the discretion, the experience in rapidly weighing evidence,

the quickness of judgment, the courage and the staying qualities so directly and constantly cultivated in the practice of law.

All I have thus far suggested was fully recognized during our late national unpleasantness. No other war in modern times ever called into the field armies drawn so evenly from the various occupations of life. Common laborers, miners, farmers, mechanics, manufacturers, merchants, teachers, preachers, physicians and lawyers contributed about equally in proportion to their numbers in making up the two great armies engaged against each other in the conflict. It is believed that as a general thing, after the first few months of the war, merit was the criterion for promotion, especially to the higher ranks.

Now, whence came our general officers?

I have had neither the time nor the conveniences for answering this question, except for the State of Ohio. I have no reason to doubt, however, that what is true of Ohio is substantially true of all the other states; and what was true of our army in this respect was probably also true of the army opposed to us.

Twenty officers from the State of Ohio rose to the rank of major-general. Of these, twelve were educated at West Point and belonged to the army. The other eight were from the legal profession. •

Twenty-seven rose to the rank of brevet major-general. Of these, twelve had received military education, eleven were lawyers, and four came from other occupations.

Thirty others rose to the rank of brigadier-general. Of these, fourteen had received military education, twelve were lawyers by profession, and four belonged to other callings.

We had, then, above the rank of brevet brigadier, eighty-five general officers, forty-six of whom were graduates from the military academy. Thirty-one had received their preparation in the practice of law, and eight came from all other occupations.

Hence, judging from practical results, next to West Point, the law office has proved the best place to make military commanders.

I do not extend my investigations to officers and soldiers below the rank of brigadier-general, for the reason that I have not the means of learning their former occupation.

At the conclusion of General Leggett's remarks, and at intervals during their presentation, the speaker received well-merited applause. The toast, "The Lawyer as a Statesman," was handled in a statesmanlike style, by J. H. Rhodes, Esq., in the following words:

SPEECH OF J. H. RHODES, ESQ.

At this late hour, any attempt on my part to respond to this toast with even reasonable brevity would, I fear, render me guilty of that wearisomeness for which, in France, four hundred years ago, long-winded advocates who tried the patience of the court were fined and imprisoned.

Should I say that all statesmen were lawyers, history would confound me with the names of many eminent men who never made a brief or wore a wig.

Should I say that all lawyers are statesmen, the sneering laity without the profession would say of me, as was once said of an eminent English bishop who thought too kindly of his friends, "All your geese are swans."

I must, however, whilst insisting that our calling is naturally modest—seldom blows its own trumpet or sings its own praise—concede that we do not enjoy a monopoly of all the statesmanship of the world.

I have only to lament that Gladstone, Disraeli, Bismarck and other eminent men did not enjoy suitable early advantages. * * * * *

Rufus Choate, that luminous orb whose effulgent beams still glow in the western horizon, once declared, in an address on the American bar, that because we are lawyers we are necessarily statesmen, having, in some just sense, in our care and charge the organic forms of our system of government.

No Ohio lawyer certainly would appeal from this view of his profession, and no Ohio court would reverse it on error.

I say no Ohio lawyer and no Ohio court, because Ohio is a fertile soil for jurists and statesmen. Tickle her with the hoe of patronage, and she will laugh with a harvest of great men.

Let our president-elect, like Hamlet, "set it down in his tables" that the supply of embryonic and full-grown statesmen in his native state is as inexhaustible as the sea, and their appetites as voracious as its inhabitants.

Ohio, like Massachusetts, needs no eulogy. Look at the long line of her lawyer-statesmen and jurists. See Chase and Stanton, Thurman and Sherman, Tod and Brough, Corwin and Ewing, Swayne and Waite, Ranney and Mathews, Wade and Giddings, Cox and Taft, Hayes and Garfield, and scores of others. But why look beyond our own bar? Whom have we in our own midst? Behold them—judges supreme and not supreme, ex-members of Congress, senators and ex-senators, and members and ex-members of the general assembly, all of whom have rendered honorable and distinguished services to the state. To our Columbus statesmen, the public owes many a debt of gratitude. Many a township hearse would never have rattled

with paupers' bones but for them, and many a city baby might have mourned over diluted milk. * * * * * * * *

The state, to the true lawyer, represents humanity in its immortality of continued life and hope on earth.

The law, as embodied in the constitutions, statutes, customs and courts, is largely confided to the care and custody of the bar.

The preservation, interpretation and enforcement of these become the very science of the profession. Hence, in this sense, the true lawyer is a statesman.

In a free country like our own, the lawyer, therefore, naturally and inevitably goes to the front, and the responsibilities and honors of statesmanship fall naturally to his charge.

The American bar has thus been conspicuous in the history of the country.

It began its existence in colonial times, when it interpreted aright the charters of the colonies, determined and defended the liberties guaranteed by them, exposed the long line of abuses that led to independence, conducted with immortal eloquence and vigor the controversies that led to the Revolution, and when that "grand appeal to the reason of civilization" was crowned with victory, the American lawyer and statesman took up the task of framing the constitutions of the nation and the states.

To do this required learning, a profound sense of the value to civilized society of order, obedience and restraint; a wide, extended knowledge of the history of liberty in all ages, classical, mediæval and modern.

The law, to us, is more than the will of a majority expressed to-day and reversed by a fickle people to-morrow. To the true lawyer, possessed of its spirit, it is venerable with age.

It comes down to us moderns as a mighty river of experience and reason, ancient and mysterious as the Nile, widening and deepening in its onward flow, "washing itself clear as it runs," the grand agent of civilization, the builder of 10,000 cities, the guardian and friend and guide of a hundred generations.

It is the accumulated experience of the race, the heir of all the ages.

It reaches back to the days of Moses and Pythagoras, of Solon and Socrates.

It drew robust life and vigor from Rome, it renewed its youth in the teeming struggles of the middle and modern ages.

It has lived, not as a mummy, embalmed in gums and spices, buried in crypts, and catacombs and pyramids, but alive and in active contact with the thought and life of each succeeding generation, through centuries of war and conquest, through cycles of revolution and reform, until it has become, in modern thought and civilization, like an invisible combatant, the spirit of the law, which Coleridge once described

when he said of it: "No space contains it, time promises no control over it, it has no ear for my threat, it has no substance my hands can grasp, or my weapons find vulnerable. All but the most abandoned men acknowledge its authority, and the whole strength and majesty of my country are pledged to support it."

Among the lawyers of the country, who have become statesmen of world-wide renown, there is none whom the bar of Cleveland, without regard to party, will more heartily cheer on to the high duties and destinies that beckon him forward, than the lawyer who this day has been declared by the American Congress to be our next President.*

At the age of twenty-five, his name was enrolled as a student in the office of the venerable and honored Samuel Williamson, of this city. Admitted to the bar in 1860, by the Supreme Court of Ohio, he has since, in addition to his many other labors, had an extended practice in the higher courts of the country. Born in this county, his local habitation as a lawyer is properly here, and as such we bid him God-speed. As an example of American eloquence, and as breathing the spirit of the lawyer and statesman, I will close by recalling to your recollection the closing words in which he addressed the Supreme Court of the United States in 1866, in behalf of the men who had been condemned to death by a court-martial in Indiana:

"When Pericles had made Greece immortal in arts and arms, in liberty and law, he invoked the genius of Phidias to devise a monument which should symbolize the beauty and glory of Athens. That artist selected for his theme the tutelar divinity of Athens, the Jove-born goddess, protectress of arts and arms, of industry and law, who typified the Greek conception of composed, majestic, unrelenting force. He erected on the heights of the Acropolis a colossal statue of Minerva, armed with spear and helmet, which towered in awful majesty above the surrounding temples of the gods. Sailors on far-off ships beheld the crest and spear of the goddess, and bowed with reverent awe. To every Greek she was the symbol of power and glory. But the Acropolis, with its temples and statues, is now a heap of ruins; the visible gods have vanished in the clearer light of modern civilization. We cannot restore the decayed emblems of ancient Greece, but it is in your power, O judges, to erect in the citadel of our liberties a monument more lasting than brass; invisible, indeed, to the eye of flesh, but visible to the eye of the spirit, as the awful form and figure of Justice crowning and adorning the Republic; rising above the storms of political strife, above the din of battle, above the earthquake shock of rebellion, seen from afar and hailed as protector by the oppressed of all nations; dispensing equal blessings, and covering

* James A. Garfield.

with the protecting shield of law the weakest, the humblest, the meanest, and, until declared by solemn law unworthy of protection, the guiltiest of its citizens."

"The Bachelor Lawyer," an individual, by the way, who is altogether too numerous in Cleveland, was given his dues by Virgil P. Kline, Esq., in the following language :

SPEECH OF VIRGIL P. KLINE, ESQ.

MR. PRESIDENT, LADIES AND GENTLEMEN : Strange as it may at first sound, it is nevertheless true, that the bachelor owes whatever of consequence his being made the subject of a toast implies, to the kindliness of our modern civilization—it tolerates, though it does not encourage him. But in the two fine civilizations, whose light we may yet see upon the eastern horizon, away upon the further shore of that dark gulf—the middle ages—the bachelor had very few rights a Grecian or a Roman was bound to respect. He could run no race at Olympia—could never hope to wear the laurel wreath of victory. His very existence in single selfishness was a crime by the laws of Lycurgus and Solon, and they were wise men.

Rome treated him scarcely better. At one time, he was disqualified from holding office. Suppose we had such a law. What a stampede for the probate judge's office we should have! How many bachelor lawyers would gather around these tables a year hence? Not that any of the fraternity ever *want* office; but their friends, you know, think they ought to allow their names to be used, and they consent.

Go from Rome to our own Anglo-Saxon ancestry. When William of Orange, in 1695, wanted money with which to prosecute the war with France more vigorously, parliament granted his majesty certain duties and taxes upon bachelors for five years. So, through Grecian, Roman and Anglo-Saxon history, the bachelor has been under certain civil disabilities. Anxious to know the origin of the word, and hoping to find some explanation of the ostracism to which the old civilizations have subjected him, I have had recourse to the dictionary; and this is what the lexicographer says :

"*Bachelor*; this word is of very uncertain etymology." Something like the habits of the creature. "The usual derivation from the Latin, *bacca laurea*, a laurel berry," a berry! "helps us a little; but the Spanish *bachiller*, which means a *babbler*, taken in conjunction with the Portuguese *bacharel*, a shoot or twig of the vine, and the French *bachelette*, a damsel, seem to point to its original and generic meaning; which is a person shooting, or protruding, from one stage of his career into another more advanced."

Thus, you see, it takes four different languages to give the bachelor even a place in the dictionary; and such a place! A protuberance. A bump. A swelling! Now, with the lexicon and all the law, from Lycurgus to Parliament, against him, why should a lawyer ever be a bachelor?

Is it because he has not brought his suit right? That his declaration is bad, if *she demurs*? Or is the cunning fellow waiting for an heiress, that he may file his declaration endorsed, "action for money only?" If the latter be the case, and he win his suit against the heiress, how long before she will need equitable relief?

Without any retainer from the ladies here, for your sakes, bachelor brethren, and not for theirs, paraphrasing *Thanatopsis*, I desire to say that the true wife would have for your "gayer hours a voice of gladness and a smile and eloquence of beauty," and that when courts are perverse, as sometimes in other counties they are, and when that perfectly reliable factor in the administration of justice, "the honest, sworn twelve," go wrong, in spite of all your learning and your eloquence, as sometimes they do, and you feel like throwing away the scales of justice and grabbing a club, then this wife "glides into your darker musings with a mild and healing sympathy that steals away their sharpness ere you are aware."

But the ladies have no need of you. The oath of any one of them is worth two of yours, as some of the lawyers here can testify; and the Supreme Court of our state, thirty years ago, pledged itself to be "careful that the judicial decisions of the land should reflect that same delicate and profound respect for female character and feeling which constitutes the proudest and dearest characteristic of our people." Their champion goes not forth, as of old, clad in coat of mail, with lance in rest, to vindicate their rights and avenge their wrongs, but the law is their champion, its spirit of chivalry their helmet and shield.

Bachelors, some of you have already allowed the season of your loveliness and beauty to pass. Age has written its wrinkles and frosted the hair. Spare us the spectacle, for gods and men to laugh at, of an old bachelor making love. Others of you are still young, but remember, as the Persian poet says, "The bird of time has but a little way to flutter, and the bird is on the wing."

HON. W. C. M'FARLAND'S REMARKS.

At the close of Mr. Kline's speech, loud cries were heard from the bachelors all over the hall for W. C. McFarland to come to their rescue, and respond in their behalf, whereupon Mr. McFarland arose and said:

My brother bachelors, of whom there are a goodly number here to-night, have called upon me to respond in their behalf. I came here to drink in whatever of interest and amusement the occasion inspired, freed from that care and responsibility which at the last banquet rested upon me as chairman of the committee on arrangements. But here I am, suddenly called upon to defend a lot of good-looking scamps (whom I half believe guilty of most that is charged against them) [laughter], whose

ambition, or poverty, or misfortune has prevented them from long since surrendering, as I know they would have been glad to do, to that benedict fate which doubtless awaits them all in the future. My friend Kline has referred to the laws of the ancients which would have placed us under disabilities. Does he invoke the spirit of those laws to-day against us? They could not have been the laws of Lycurgus, but rather of Draco, that were so severe that they were said to have been "written in human blood." [Applause.] It was the very same laws which imposed disabilities upon bachelors that required all the marriageable maidens to be brought once a year to public auction, to be sold as wives to the highest bidder, and the premiums paid for the fairest were used as a dower portion to help dispose of their less comely sisters.

These laws, which he commends, were enacted that the decimated ranks of the armies might be repleted by the male children which came as a result of these enforced marriages. War then was the delight of kings and emperors. The men were warriors, and women slaves. A premium was paid to the woman who was the mother of the most healthy male children. These laws passed away with awakening civilization, and they should not be referred to, as examples, without an intelligent understanding of the causes which apparently made their enactment necessary.

If there is any class of men who can make a defense to the indictment to which we are called upon to plead to-night it is the bachelor lawyer; and whilst I know we can make a justifiable defense before an impartial jury, which, perhaps, under the present organization of society cannot be found, yet it occurs to us that we ought, on this occasion, to challenge the whole array. It is hardly legal to put us upon trial before a *grand jury*, and that the same one which indicts us. This is our technical defense. It is the duty of the true lawyer to defend the accused when called upon to do so, and he should do this even when the probabilities of guilt stare him in the face; and, if he cannot acquit, he should at least stand manfully by and see that the defendant is convicted in accordance with the laws of the land. [Applause.]

If I am not mistaken, the jury of benedicts and wives who are to try us here to-night is very much like what the Democrats, during the war, used to say of Secretary Stanton's court-martials, "organized for conviction;" and I would rest this case, ladies and gentlemen of the jury, upon the technical plea I have interposed, were it not that I think by making a vigorous defense upon the facts I can mitigate the sentence which I feel sure you are ready to pass upon us; so fear not, my brave bachelor brother, for "I will stand by thy right hand and keep the bridge with thee." [Applause.] The rewards of the young lawyer are in the future. If he is ever to be successful and a bright ornament to the profession, he must spend many years in the study of the principles of the law. Now, if the theory of your toast is to be enforced

against him, consigning him to "a briefless practice while he is a wifeless man," you compel him to adopt one of two courses—either to choose his mate from the unambitious and uncultured maidens of his acquaintance whose desire to marry is so much stronger than their judgments that they are willing to live more on hope than on beef and potatoes [applause], or else you will drive him out of law into the study of the "*son-in-law*" business, and he will go through life handicapped with the cognomen of the son-in-law of rich Mr. Blank. [Great applause.] I maintain that it is the duty of every young lawyer to marry when he must. There is an old maxim, which says, "Marry your daughters when you can, and your sons when you must," which applies aptly to our case.

It is said that we are all divided into two classes: "Those who are married, and those who want to get married." [Applause.] I cannot speak for my brethren, in whose behalf I plead, upon that question, and I refuse to speak for myself—

"Hope springs eternal in the human breast;
Man never is but always to be blest."

That we are stirred by beauty; that we are delighted to kneel at its shrine, is most true; that we hope the day will come when our disabilities will be removed, and we may be permitted to enter the Olympian races, which the laws of Draco prohibited to us, and contest for its honors and its rewards, "is a consummation devoutly to be wished."

"We'll stand the storm, it won't be long,
We'll anchor by-and-by."

[Applause.] And now, if you are going to convict us, before you pass sentence, give us an opportunity to "move for a new trial," and "suspend judgment" until the result is known; at least, don't banish us, ladies, from your lovely sight, else we will go through life saying, like Cain, "Our punishment is greater than we can bear." [Applause.]

You know that under the common law we held the titles to our real estate by fee simple and fee tail. Now, for myself, and I think I voice the feelings and sentiments of every bachelor present when I say,

"Fee simple, or a simple fee,
And all the fees in tail,
Are nothing when compared to thee,
Thou best of fees—female."

[Prolonged applause.]

Following Mr. McFarland's remarks, the chairman called upon Mr. John C. Keffer, of the *Herald*, to respond to "The Press."

MR. KEFFER'S RESPONSE.

MR. PRESIDENT, LADIES AND GENTLEMEN: On behalf of the press, I return thanks for your very complimentary mention. Much of the work of the press is done in the

eyes of all men—it speaks for itself, and elicits praise or blame according as it is worthy or unworthy. The work of the editor is different in some respects, the greater part of his labor being given to keeping things out rather than to putting things into the paper.

And as there are gentlemen here who have been judges, gentlemen who are now judges, and still more gentlemen whom I hope we shall live to see judges, let me state that the greatest need of the press in Ohio to-day is found in the necessity for a revision of judicial decisions affecting the press, made when journalism was as different as possible from what it is to-day.

In the patent office, they have examiners whose duty it is to keep themselves acquainted with the state of the mechanic arts, that patents may not be unworthily granted. For a similar reason, each judge in Ohio should acquaint himself with the "state of the art" in newspaper publication, that the laws relating thereto may be interpreted with reference to existing conditions, rather than by following musty precedents based upon the situation when the newspaper was chiefly the mouth-piece of its editor, when telegraphs, associated press dispatches and the vast modern machinery for gathering and distributing news were all unknown.

And now, Mr. President, having fairly and openly stated the great want of the press at the hands of the legal profession, as the hour is late, perhaps by way of a closing piece of fun, I may venture to give you Fred. B. Warde's modern report of a celebrated law case, first studied by the profession as *Shylock vs. Antonio*, in Shakespeare's reports. A London street boy is describing it to his companions:

"Yer see, there's a bloke vot wants some coin, 'cos 'e aint got none, d'ye tumble? So 'e goes to a pal of 'is'n vot is a merchant, an' axes 'im to lend 'im some, d'ye see? But this yere merchant sez 'e carnt do it, 'cos 'es put all 'is money in 'is bizness, d'ye brown?

"So the two on 'em goes to a bloomin' sheeny, named Shillock, to try an' raise it; but Shillock 'e sez, sez 'e, 'No! I don't do it! You've bin givin' it me 'ot every time ye meet me hout. I don't do it!'

"Owever, they gives 'im some chin, an' at last 'e says 'e'll lend 'em the coin, if they'll sign a bloomin' bond that 'e's to cut orf a pound of this yere merchant's flesh, if 'e don't paa't.

"Vell, they sign this yere bond, an' avay goes this bloke down inter the country an' marries a doner as 'e's picked hup down there, called Porsheer. Vell, ven 'e's married 'er there's a cove comes an' tells 'im 'is pal 'as bin took hup 'cos 'e carn't pay the bond; so, in course, 'e goes hup to town to see 'is pal through the trouble, you

know. An' Porsheer, she dresses 'erself like a lawyer, an' she goes hup to town, too, d'ye brown?

"Vell, the 'ole bloody 'eap on 'em goes afore the beak, vere the case is goin' bloomin' 'ard against this yere merchant, an' Shillock houts with 'is knife, an' is just goin' to cut orf 'is pound of flesh, ven Porsheer says, ' 'Old 'ard! Shillock; yer can 'ave yer pound of flesh, but yer morn't 'ave no blood!' An' ven Porsheer says 'ye morn't 'ave no blood,' oh! my heyes, didn't Shillock look flummuxed?" [Loud laughter and applause.]

THIRD BANQUET.

The third annual reunion of the lawyers, accompanied by their wives and daughters, was held February 16, 1882, at the Gatling Gun Armory, being the most ample hall then attainable. It was not surpassed, for the elegance of its appointments and the brilliancy of the company, by either of the preceding banquets. Hon. Harvey Rice was president, and Hon. S. B. Prentiss, General H. H. Dodge and J. M. Adams were vice-presidents.

The regular toasts were limited to a single pair:

"Our Retiring Judges."—Response by W. S. Kerruish.

"Our Non-retiring Judiciary."—Response by Hon. D. R. Tilden.

The viands being disposed of, silence was restored, and Hon. Harvey Rice addressed the guests assembled in a speech enjoyable from the old recollections it recalled. The address was as follows:

HON. HARVEY RICE'S ADDRESS.

GENTLEMEN OF THE BAR: Allow me to preface the set speeches of the evening by thanking you for the unexpected but honorable position you have assigned me on this festive occasion. I accept the position as a compliment paid to age rather than merit. I am now, I believe, the oldest resident member of the legal profession living in Cleveland.

I came to Cleveland in 1824, a stranger in a strange land. I knew nobody, and nobody knew me. I came by way of the lake, from the "land of steady habits," and landed at midnight on a plank extending into the river from its marshy bank, at the foot of Union Lane. I appreciated the situation, and commenced my career in Cleveland as a "porter," by shouldering my trunk and groping my way to a hotel on Superior street. My "worldly goods" consisted of a scanty supply of wearing apparel and \$3 in money. From the grade of a porter I advanced, within a week, to the position of classical teacher and principal of the old brick academy, now the head-

quarters of the fire department, on St. Clair street. While in that position, I employed my vacant hours in studying law, and in less than three years was admitted to the bar.

At the time of my admission, Cleveland was a small village, containing but 400 inhabitants, and was supplied with five able lawyers—Leonard Case, Alfred Kelley, Samuel Cowles, Reuben Wood and John W. Willey; in other words, there was a lawyer and a quarter for every hundred souls. Whether we now have as many lawyers in proportion to our population, to say nothing of fractional lawyers, I do not know; yet, I believe the supply is quite equal to the demand, and perhaps exceeds it. Still it is often said that we cannot have too much of a “good thing;” but this I regard as a “mooted” question, and cheerfully submit it to the “moot court” of our juniors for adjudication.

When I arrived at Cleveland, I supposed I had reached the “Far West.” At that time, I had no relatives to receive me, but now I find myself surrounded by a numerous band of “brothers-in-law,” and must say that I am proud of my relationship.

It is not the province of a lawyer, as many suppose, to make right appear wrong, and wrong appear right. The true lawyer, though sworn to be faithful to his client, is inspired by a purer and a nobler aim than that suggested by chicanery. His mission is as broad and beneficent as the sunlight. The science of law, as an eminent jurist has said, is the “perfection of reason.” It is the lawyer, the true lawyer, who has done most to define and defend the rights of man, and lift into place the pillars that sustain our state and national governments. It is the true lawyer who frames our laws, administers justice, and so directs his influence as to promote the highest interests of our modern civilization. It is none other than the lawyer of this character who commands the respect and confidence of his fellow-men; and I am happy to say that we have a goodly number of such lawyers present, whose heads have been sprinkled by time with a shower of silver dust, and who have acquired a dignified eminence at the bar, on the bench and in the halls of legislation. Of men like these, the Cleveland bar can well afford to be proud.

As yet, I believe, we have no professional lady lawyers at our bar, though we have with us on this occasion a large number of ladies who have accepted “life partnership” in law firms, and who have given to those firms not only an enviable reputation, but have crowned them with felicities which are nowhere to be found except within the charmed circle of domestic life.

I am not inclined, however, to approve the modern “doctrine” that women can, with propriety, usurp the places of men in the learned professions; but if they really choose to do it, I should assent, because I think it always the best way to let a woman have her way, especially when disposed to do about right, as she generally is. But I

should advise all unmarried ladies, who adopt the legal profession for a livelihood, to confine themselves to the prosecution of suits commenced by "attachment," and should sincerely hope that they might succeed to their "heart's content."

The remarks closed amid hearty applause, and W. S. Kerruish, Esq., the next speaker, paid "The Retiring Judge" the following eloquent tribute. The closing remarks were drowned by a hearty burst of applause, which continued for a long time. No one was better qualified to express the sentiment of the entire bar toward Hon. S. B. Prentiss, who lays down a judicial ermine unspotted and unsullied by the wear of fifteen years. Mr. Kerruish's response to the toast was marked for its eloquence and sincerity. It was as follows:

"OUR RETIRING JUDGE."—RESPONSE BY W. S. KERRUISH.

One of the lord chancellors of England, whose great eminence in the single department of legal learning has suffered some eclipse by his universal acquirement, said, as he left the wool-sack, in 1834: "I have now disposed of all the cases which came before me up to the last, and it is with great satisfaction that I quit this court;" and then with graceful greeting to his successor, and felicitating himself that the tribunal in which he had presided, represented by its enemies as the temple of discord, delay and expense, had ceased to deserve that name—and with an apt citation from the sweetest singer of all antiquity, likening the close of his judicial career to the end of the poet's voyage at Brundisium * * * *longæ finis chartæque viaeque*—he said: "My task is now ended, and my last words to the public are spoken." Almost a generation thereafter, and near the close of a stormy life, singularly prolonged, in committing to posterity his autobiography, the great ex-chancellor again said: "If I have imperfectly performed my work, if I have appeared to dwell too diffusely on some subjects * * * let it be recollected that there is not left one single friend or associate of my earlier days. All are dead. I alone survive of those who have acted in the scene I have faintly endeavored to retrace."

The suggestions of the topic which you have assigned me have somehow stirred up those reminiscences, whether appropriately or not I cannot tell.

We are deemed, I believe, to be a fraternity in which there is small room and less regard for effusion and display of either sentiment or fancy. Neither siren nor muse wave their jeweled arms hitherward. In the rugged and thorny pathway of the law, there are no flowers, or, if there be what seem their likeness, they may be symbolized by the lichen in the crevices and beneath the shadow of the rock. There is no time to search for forget-me-nots, or to weave chaplets, and little skill—and so, when a brother falters or falls, it is little noted—the advancing column pushes on, and the ranks close almost instantly.

Written over the entrance to the Inner Temple, from of old, was the legend, "*Suum cinque tribuere!*" but the guild, whether organized or not, whether in England or America, anciently or now, have always construed its meaning very strictly. Has, therefore, one of the brotherhood, who has borne us company in the contentions of the forum through a period of years—whether advancing at the bar, and to the bench, or retiring from them—whether in the fullness of his strength, or "when those that look out of the windows are darkened," and after many days, has such an one the unfailing respectful esteem and steadfast confidence of his professional brethren, that community of critics of all others the most just and at the same time the most exacting, then be sure there is small chance of error in the judgment.

The application of these general propositions is evident and easy. Nor can I venture upon any suggestions here, in which the ready intelligence and perfect knowledge of this audience will not have anticipated me.

There is met with us this evening, somewhat at variance with his usual habit, I believe, a gentleman well known to us, long one of the central figures of the jurisprudence of these regions bounded by the inland sea, who, yielding his high position, has, even now, recommitted, unsought, to an appreciative people, a trust of the highest nature possible by them conferred, and by him assumed, many years ago. Speaking as if in a whisper, and as though in his absence, and yet giving voice to the general sentiment, both lay and professional, and I may safely assume it to be without one dissentient thought in all this community—I but utter the words that are fast by the heart and judgment, and which with us are so full of significance—he has for all these years faithfully guarded the trust like a jewel, and has nobly adorned and illustrated the position.

To the members of this bar who commenced their practice here, and who especially are now in the meridian of life—by no means intending to omit the younger members, and the elders will consider themselves included, of course—for the past fifteen years there has been no presence more familiar nor more welcome than that of him who now, in the fullness of years and of honors, and with intellectual vision undimmed, steps gracefully aside, and lays the ermine down. And herein is a lesson not to be disregarded; nor do I overstate it in saying that in almost no sphere of human endeavor is it so rigidly enforced and taught as in ours, and that is—that assiduity in labor, high character and sound learning, when they are happily blended in methodical subserviency to duty and the conduct of affairs, will, as in the example before us, insure abundant reward. Aside from the present point, but suggested by the proposition, the corollary is equally true, that without the union of these qualities, in some sufficient measure, there will be nothing solid or enduring.

Here there is a judicial career accomplished with every circumstance of completeness and deserved success. It is not unknown to us that the way to this success was preceded and prepared by what I believe, after all, to be substantially indispensable, although several of our younger associates, friends of mine, have given me their assurances that I am wrong, to wit: thoroughness, extended experience, learning and fidelity, illustrated first at the bar. No lawyer needs to be reminded how the average practitioner in difficult questions—and how many of these difficult questions there are—is drawn by a sort of affectionate instinct to that branch of the court that is felt to be strong, to be steady, and to be absolutely free from that pestilent devil, pride of opinion, that is known to be clear and logical always, to be ever patient and approachable, and in whose hands the lamp neither grows dim nor tremulous.

If you, my brethren of the bar, recognize any features of familiarity in this picture, any marked resemblance to something you have long known, I am quite sure that your common feeling of pride, that, as a pillar of cloud, it has been our daily guide and possession, will not be unmingled to-night with sincere regrets that this companionship is at last ended. Those of us who are not yet so old in the profession as to have forgotten that we were once beginners—which I've seen happen once or twice—will not be likely to forget the incalculable personal obligation due to his honor, Judge Prentiss—and I say this without any circumlocution, because I've been there myself—for the unstudied, unfailing and genuine kindness shown by him to the younger members of the profession. I do not intend in any way to intimate that there has been in other quarters any lack of this good quality, but I will hazard the prediction that in the pleasant recollection of some here to-night, whose diffidence might not now permit its acknowledgment, not least warmly cherished in the years to come will be sunny memories of the judicial courtesy and kindness of "Our Retiring Judge."

I have ventured as far as I may. This is not the place to indulge in the language of laudation, nor to attempt estimates of character, professional or other. To the members of this bar, all these things are as an open book.

Our brother, friend, guide and companion of years, from the scenes of your multiplied labors to the retirement of your much-coveted rest, with fervent hopes and aspirations for your continued happiness and health, we bid you welcome and farewell.

A strain of music by the band followed, after which the president of the festivities announced that on account of the ill health of H. C. White, Esq., he was unable to be present, and in consequence "The Amenities of the Bench and Bar," to which toast Mr. White was to have responded, would be omitted. He then announced "Our Non-retiring Judiciary" as the next toast. Hon. D. R. Tilden, the long-time

probate judge, responded in his own characteristic style, pausing occasionally for the applause which frequently broke in. His remarks were as follows:

JUDGE TILDEN'S SPEECH.

You have assigned to me a subject—what is it? Non-retiring—non-retiring judges. Why am I set apart to do the job? Here are young men in the profession, full of vigor and anxious to talk, as I am certain of from my experience with them. [Applause.] Why not call upon them, rather than upon myself? I suppose I know why I have been selected. I am one of the blood-royal, if you please, of the non-retiring judges of this country. My friend, on the right, suggests that I am the only living specimen. I think I can put myself against any in Ohio. This furnishes me an opportunity to go a little into my judicial experience. I have been twenty-seven years probate judge of this county, and I have declined a nomination. [Applause.] I will explain to you by and by. I have endeavored to discharge my whole duty in this office, and it will be, if I succeed in ending it as I began it, the greatest consolation to me that I have discharged the duties of this office to the satisfaction and acceptance of the people of this county. I have not taken from you any more than I have given. I have not been very ambitious for money. There is one passage of Scripture that I have practiced—there are others that I know about—that is this: “It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of heaven.” That made an impression on me, and the only commentator that I recollect of is my old quondam friend, Ben Wade. He said that a man worth over \$10,000 could never get into heaven. I have been careful to keep in view that line. I may have run over a little at times, and fallen short at others. This is what I have tried to do: not to make it a matter of speculation to be probate judge of this county, but to do the duties of the office to the best of my ability, and I trust I have the approval of the people. I have now to serve three years more. I have had a great many competitors for this office, one after another, for the last twenty-seven years. I have got one now. No ward politician, no stump speaker, no newspaper puffs can turn him from his grim purposes toward me. I am emphatically on the “home stretch,” and the only anxiety I have about it is that this last adversary of mine will overtake me, to use a jockey’s phrase, before I pass under the wire in 1885.

Well, now let me say one other thing: there is something gained by keeping a man in office. I went into this office with a great deal of reluctance. I felt as though it was in the order of Providence that I should occupy a higher position. I had kept very poor company before I went into the office. I had been a member of Congress four years, and I thought that I would try to get a little above that, but necessity



H. A. Foster

forced me into it. I had a higher estimate of myself, but I now believe that it is one of the highest and most important positions that a man can occupy, and to be a good probate judge is all the glory that I ask in this life.

Now, let me say another thing in regard to continuance in office. There is no judge, whether probate or judge of the Court of Common Pleas, that is an honest man, that does not grow better and more useful in his position every day that you keep him in office. Why, I know of many men of integrity and ordinary capacity who have made most eminent judges by having a long experience as such. They borrow largely from the bar. There is not a "tyro" in the profession that gets a case before the judges of the Court of Common Pleas but what will, when presenting his case, be sure to present probably ten different propositions that have no more to do with the case than the Lord's prayer, but will have one or two propositions new to the court, and this fledgling will really be the educator of the court. As long as you have a good judge, keep him in; when I go out, get a good man and keep him there.

* * * * *

FOURTH BANQUET.

The fourth annual banquet of the Bar Association was held at the City Armory, February 23, 1883. So interesting had these banquets become that no sooner than one was over the next was looked forward to with pleasant anticipations. The ample hall was beautifully decorated for the occasion, and six large tables occupied the greater part of the floor. A beautiful bouquet of flowers was placed beside each plate. About two hundred and sixty persons were present, and there were about as many ladies as gentlemen. Judge J. M. Coffinberry presided. At the conclusion of the repast, the president opened the intellectual entertainment with the following :

HON. J. M. COFFINBERRY'S ADDRESS.

LADIES AND GENTLEMEN: I thank you for the honor conferred in selecting me, from all the honorable members of the Cuyahoga county bar, to preside over this bar banquet. To be so chosen, from a bar embracing so many able and distinguished lawyers, jurists and statesmen, is the crowning honor of my professional life. I include the ladies in this grateful acknowledgment, taking it for granted that the appointment was controlled by the better-halves of your executive committee. This banquet, graced by the presence of our wives and daughters, and by so many of our chosen lady friends, ought to prove a "feast of reason" and an overflow, a very flood of soul, a night of jubilee to the profession. At a gathering of the guild like this, it

may not savor too much of egotism to talk a little about ourselves and our tribe generally. I have sometimes thought that the bar in the country towns and smaller cities enjoy superior social advantages over their brethren in great cities, such as Cleveland has become. There, the intimacy and friendship, which so generally obtain amongst respectable lawyers, more generally extends to their families, and that fortunate coincidence of habits, studies and pursuits affords so much social resource that there would be danger of degenerating into clannishness, but for the keener sense of social duty possessed by the ladies, always first to recognize their obligations to general society.

Convivial gatherings of the ilk are now more frequent, and they tell more stories, sing more songs, and indulge in more leisure than their city brethren. As the race of hardy, adventurous, circuit-riding lawyers, who organized the courts of the western margin of this state, have passed away forever, it may be interesting to the young city-bred members of this bar to contrast the hardships and perils of the past with the ease and security of the present. Fifty years ago, a term of the Common Pleas was held in Hancock county. Rain fell in torrents for several successive days. The bridgeless streams swelled over their banks, and it became impossible to proceed overland to Defiance, to hold court at the appointed time. But the venerable Judge Higgins, and the hard-headed old stagers who traveled his judicial district, were equal to the occasion. They called a bar meeting for consultation, put their horses out to pasture, purchased a large pirogue, which they appropriately named the "Jurisprudence," freighted it with their saddles, saddle-bags and an abundant supply of ship stores, and floated down the Blanchard and Auglaize rivers to Defiance, where they held the term, re-embarked, and floated down the Maumee to Perrysburgh.

The voyage was made through an unbroken forest, with great hilarity, without casualty, and with no more exciting incident than the witnessing of a war-dance, extemporized for their amusement by the Tawa Indians, at their village of Ottawa. But Judge Higgins was not always so fortunate, as he lost a leg in the service before the expiration of his judicial term. In May, 1840, Judge Potter held his first term for Putnam county. The judge, with two or three lawyers, came into Kalida, the then county seat, from Defiance, where they had been holding court. One or two came over from Lima, and two from Findlay. One of them, a slender, one-armed man, combining the physical strength of a girl with the energy of a buzz-saw, was mounted on an unbroken three-year-old colt, having left his own better nag disabled by the way. The other put in an appearance on foot, carrying his saddle on his shoulders, his horse having broken a leg in a floating corduroy bridge near the village.

Every man had been compelled to swim one or more streams to reach the county

seat. The whole company were so saturated with water and so encased in mud that their mothers wouldn't have known them, and a smart tailor could only have guessed at the color of their outer garments. The only hotel, a good one for the time and place, was adequate for the accommodation of all who came. His honor, with three of the brethren of his choice, had one little room all to themselves. The rest of us lawyers, grand and petit jurors, suitors, witnesses and spectators, slept well on the field-beds which covered the floors. The table groaned with its weight of wild turkeys, venison, mutton, fish, wild honey, and rompy butter. Everybody washed in what was called the county wash-bowl, and dried on the county towel. A barrel of new corn whiskey on tap stood invitingly in a corner of the dining-room, with a tin cup under the faucet, so that whosoever would could drink without money and without price. And yet complaints were made of the exorbitant charge of \$1 per day for all this luxury, the care and feed of our horses included.

It is no small honor to be recognized as a sound lawyer anywhere, but it is especially honorable in Cuyahoga county. The pioneers of the profession in this city were so distinguished for their learning, integrity and ability, that they have left to this bar an invaluable inheritance of public respect and confidence. Indeed, the high appreciation of the bar by the people of all the states of the Union has become the bane of the profession. So soon as an attorney has made a reputation as a forensic speaker he is beset with opportunities and importunities to enter upon a political career. How few of the many thus enticed away from their practice have reason to congratulate themselves upon the exchange? A good lawyer, who has secured public recognition, stands solid with the bar, with health and hope to labor, has a fair show for a decent support and a useful career, and when he sours on his calling and follows after false gods, he generally lives to learn that he has quarreled with his bread and butter. Much is said in these days of the danger of our institutions from the domination of great overshadowing monopolies, but there is no monopoly abhorred by outside politicians as that of the Ohio bar. It has not only monopolized pretty much everything in the federal government, but its graduates are running several of the sister states as well. This bar could equip the federal government with an illustrious chief-justice and president. But the attainment of those high official positions would add little to the solid fame, and nothing to the dignity and moral grandeur of certain recognized leaders of this bar. Avarice cannot abide the slow, legitimate processes of money getting known to the profession. When a lawyer resolves to get rich, he generally branches off into banking, trade or speculation. Occasionally, one rides out of the ranks in a director's car, and becomes a railroad magnate and a millionaire. Others seek a wider sphere, mount the editorial tripod, and give direction to national affairs.

In some melancholy cases of arrested development, limbs of the law drop off, down and out, and fetch up in the Ohio legislature, but these cases are too painful to dwell upon.

Sometimes the church invades our legal sanctuary, by converting a small lawyer into a big bishop, but these instances are much too rare to imperil the moral standing of the fraternity. As a rule, lawyers marry young, and would marry younger if they could have it all their own way. As a law-abiding people, we seek authority for all our usages and institutions. We have accordingly looked up this matter of bar banquets. We trace them back to the thirteenth century, and finding that they have existed "time out of mind," so long "that the memory of man runneth not to the contrary," our scruples are satisfied, as we have established a clear prescriptive right to their enjoyment. Ye old doctors of ye laws relaxed their black-letter dignity, and became boisterously convivial on these occasions. Their banquets generally lasted for days, and included speaking, music, dancing, mock courts, theatricals, masquerades and street parades, and the exercises were sometimes varied by the introduction of a score of hounds, and fox and cat chases were had in rooms crowded with hundreds of people who could scarcely find standing room. Not only were those rugged revels countenanced by the Bacons, Cokes and Lyttletons, but royalty itself sometimes attended them. That great statesman in petticoats, the "Good Queen Bess," especially delighted in them, and condescended to a *quasi* participation in their rollicking fun. Much wine, wit, wind and women attended upon those ancient festivities. Your more discriminating committee eschew the wine and taboo the wind, but adhere to the wit and embrace the women.

No other profession or calling has so many great financial trusts committed to its keeping, and to its honor; be it said, that those trusts are almost universally discharged with inflexible integrity and scrupulous fidelity. We graduate as few tramps, dead-beats, old bachelors and social frauds, generally, as any other fraternity. Great possibilities are open to the profession. Forty-two years ago, two young lawyers rode out twenty miles over the oak openings and into the "six-mile woods" of Lucas county, to try a cow case, involving a claim of damages of all the way from \$8 to \$12. One of them is now the honored chief-justice of the United States; the other, although something of a failure on general principles, through your great kindness, occupies for this evening a scarcely less honorable position.

The succeeding two toasts were supposed to constitute a pair, one being the contrary of the other. All the speakers were pleasantly introduced by the chairman. Judge E. T. Hamilton, of the Common Pleas Court, responded as follows to the toast:

“SCENES FROM THE BENCH.”

MR. PRESIDENT: Doubtless because in some sort I happen to be a representative of the bench, I have been selected to respond in accordance with the announcement just made. I am apprised that I am not to amuse, instruct or annoy my auditors to exceed the space of five minutes. Possibly my brethren of the bar may remember that at other times and places the judiciary have been known to impose limits upon the arguments of counsel, and they must be thinking at this moment—you now know how it is yourself. If so, I admit the premises, and plead guilty to a full appreciation of the rule, but nevertheless intend, as nearly as possible, to comply with the order. Especially if the committee have adopted and acted upon the suggestion of one of the city papers that, in order to enforce that rule among lawyers, the presence of a detail of the military with loaded muskets would be necessary. It is usual for the bench to have the last word. But here I find we are to be sent on in advance, as a sort of an outrider, and by and by Brother Estep is to tell us what kind of an appearance we present to the optics of the bar. Of course, I accept the situation. A judge must perforce abide by the law as it is. Judicial legislation is not to be tolerated. Very briefly, then, what may I say of “Scenes from the Bench?”

Before the judicial tribunals of every civilized community, the rights of states and individuals, the right to life, to liberty, to property, corporate rights, marital rights, social rights, the wrongs of oppression and avarice, in all their varied forms, whether public or private—all pass in review. Treason, murder, robbery, burglary, larceny, and innumerable other crimes against the person and property rights of the people press forward for recognition and punishment. The spectres of these crimes crowd into and haunt the temples of justice, and will not down until the mailed hand of the law, acting through the courts and its officers, shall have avenged the wrong. Turning from the criminal department to the divorce courts of the land, the spectacle is but slightly improved; the sickening details of the decaying and final death of every ennobling sentiment that belongs to the marital relation, resulting in the dismemberment of the family circle and the destruction of home with all its wealth of the accumulated affection of years, would almost demonstrate, if these cases were the rule and not the exception, the doctrine of total depravity, or, at least, that there was no such thing as progressive evolution.

Again: A man dies, and immediately maternal and fraternal love and affection are supplanted by supposed pecuniary interests, and a bitter contest ensues in the courts. A personal injury is received. A contract of some sort, growing out of some of the varied avenues of trade or commerce, or of the relations of the parties to each other or society, really is, or is claimed to be, violated, and the courts must arbitrate

the differences. I make no attempt to enumerate the thousands of forms which these differences assume; they are familiar to us all, and I need scarcely say that a large majority of the cases in our courts result not from an honest difference of opinion merely, but rather from dishonesty and the baser passions of weak humanity. But yet it must be remembered that there is a right side to all these controversies, though it may and frequently does consist of a mean between the extreme views of the respective parties; and to the honor of the race be it said that perhaps in not more than one transaction out of every hundred thousand is the adjudication of the courts ever required. But of the personnel of the courts—the witnesses, jurors and attorneys, what may we say? * * * * * * * * *

Lastly, what of the bar? There are, in the field of the law occupied by the bar, glorious plants that are cultivated by many attorneys with assiduity until they bear blossoms of beauty and ripen into the best fruitage known to the profession. Such win success, and merit it. There are, also, fallen leaves and disappointed hopes. Weeds of ignorance, not without vigor, and possibly riper leaves, nurtured by immoralities. Those who travel there, have or must fail. It was ever thus in all departments of life, and the bar is not exempt from the general law.

The bench is of the bar, and is largely what the bar makes it. I am conscious that the weeds sometimes grow fearfully near the bench. But I will not anticipate my friend who is to speak of the judiciary.

I have sometimes seen a sort of forensic Boreas, who not only insists upon talking like the roar of Niagara, but unendingly, and must always have the last word. He reminds me of Victor Hugo's assertion that "there are old women of both sexes." Perhaps I ought to apologize to the ladies for this. I will—but never to him of whom I speak. I think it was a Western lawyer who said he didn't want any English law at all, but if it must be cited, in heaven's name don't give us their common law, but let us have the best they have got.

Eloquence, doubtless, has its uses, but he who possesses it should be careful how he relies upon it at the bar, at least. He should never forget that his chief strength lies in the preparation of his case, in stating the case accurately, in the pleadings, and in looking up and getting out the proofs. It requires a good lawyer to make a fine argument, but he is a better one who saves the necessity of making a fine argument and prevents the possibility of his adversary making one. In the words of Webster, "Justice, sir, is the great interest of man on earth. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race; and whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its

pillars, adorns its entablatures or contributes to raise its august dome still higher in the skies, connects himself in name and fame and character with that which is and must be as durable as the frame of human society."

He was followed by Mr. E. J. Estep, who looked the other way and presented in the subjoined manner

"THE BENCH VIEWED FROM THE BAR."

LADIES AND GENTLEMEN : The five minutes' limitation distresses me, and especially on an occasion of this kind. The ordinary salutatory of a lawyer in court requires more time, and yet the toast or subject to which my attention is directed is one of vast magnitude, embracing, perhaps, a greater variety, when we consider the object, "the bench," and the viewers, "the bar," than any toast of the evening. Bar denotes an obstruction which hinders or defends, whether at the mouth of a river, in a fence, across a door, or elsewhere. As lawyers, we are not much of an obstruction, especially to clients, but I admit we sometimes hinder and defend. There is said to be a bar of public opinion and a bar of God. I shall not undertake to view the bench from either. The first might not be unanimous, and the latter might do injustice to the bench by subjecting them to a trial for which they are not prepared. Bar is defined to be an inclosed place in a tavern, where the landlord delivers out drinks and waits upon customers. I do not know what may be delivered to or called for by the bench as to the first department, and, however much it may be deserving of mention, shall not discuss it, but claim the bench is like the landlord in the other respect: It waits upon customers, and has as great variety of patrons as the landlord, and, by a like reason of public duty, is obliged to wait upon all who present themselves, whether for the vindication of supposed rights or for board and lodging.

A bar in music is the end of a measure, as the bench is supposed to be the end of the law. Those who know me best will not expect me to look at the bench through musical bars, and hence, I suppose, it was not intended I should quote poetry on this occasion, and I shall certainly not disappoint my friends in this respect. The bar is a place in courts to which prisoners are called to plead to indictments. Never having viewed the bench from this bar, you will excuse me from presenting it on this occasion, and call on some one more experienced, when you desire such information. A bar is a place in court where counselors and advocates stand to make their addresses to the court and jury, and hence, figuratively, says Bouvier, the counselors and attorneys at law are called the bar. This, I suppose, is the class whose views of the bench are called for. But there are various kinds of benches. Bench is a long seat, differing from a stool by its great length. I take it that I am not called upon to view a wooden bench of this kind. Bench is a long table at which mechanics and others work, and

on which they use jack-plane and chisel. Having no skill in this department, and not seeing any of the professors of the mechanic arts present, I conclude I am not expected to have my eye on this bench, and tell you how it looks from the enclosure to which I am supposed to belong. Another definition of bench is, "The seat where judges sit in court; the seat of justice." Now, although I suppose this latter comes nearest to what your committee had in mind when framing the sentiment to which I am supposed to be responding, yet literally it is very commonplace. You and I know it is nothing but a wooden chair, with a cushion and a screw beneath, enabling the judge to turn so as to see all parts of the court room and call refractory lawyers and noisy spectators to order without moving the chair, "the seat of justice." Well, gentlemen, I know you will excuse me if, with the chair I have described and the judge upon it, I am unable to locate so important an organ. The term bench, when applied to the judges that preside in our courts, is like the term bar, figurative, and hence should be viewed figuratively. In this sense, I think the bar have very great respect for the bench, and always submit to their decision when they can't help it. Literally, they often disagree, and especially on motions for new trials we sometimes think them blind and stupid (which view we carefully suppress) because they cannot or will not see an error perfectly plain to the attorney. Figuratively, we sometimes say the bench has the last argument, when they state the case or charge the jury contrary to our claim, and thus jeopardize the cause of our clients. In so doing, they sometimes look as if saying, "It is the law, not I, that condemns." Perhaps you may think I had better leave generalities and say something about the judiciary of Cuyahoga county. As to them, permit me to say that three times a year, and on the opening of each term, the six judges solemnly march into court and call the roll of lawyers and business, and then separate, no more to be seen together during term. This limited view of them only enables me to say that their color, I mean complexion, is not uniform; that in their appearance and voice there is about the same variety as with other people, and that the duties performed while thus together are not of a character to show or develop extraordinary capacity, for which reason they should not be judged by what then transpires. We try our cases to them separately, and in so doing it requires so much time to view each one, in the several departments of justice (by which I mean the several court rooms) and compare his merits and peculiarities with the others, that it is impossible for me to describe fully the view which the bar has formed in respect to them. Whether they each do honor to the bench, or whether honor has been thrust upon them, I leave to others to say, and content myself with the belief that few, if any, of the judicial districts in the state do or can present a judiciary more honest and capable than our own.

The following speech, by Rev. George Thomas Dowling, of the Euclid avenue Baptist Church, was an entirely extemporaneous one. His sentiment was

THE LAW AND THE GOSPEL.

LADIES AND GENTLEMEN : The committee have given me somewhat of a lawyer's brief to-night, for they have asked me to include the whole law and the gospel inside of five minutes. I suppose that was because they shrewdly suspected that I could tell all I knew about the law in four minutes, and all the average lawyer knows about the gospel in one minute. You know they tell a story of two lawyers who were riding on the Hudson River Railroad, and reference happened to be made to the Lord's prayer, and one said to the other :

"Bill, I bet you five dollars you can't repeat the Lord's prayer."

And the other said, "I'll take the bet."

So he began, "Now I lay me down to sleep," etc.

The other handed him the money, and answered : "Well, you've won it, but I didn't think you could."

So I find no fault with the topic assigned me by the committee. Of course, in asking me to talk to you about gospel, they knew best what the present company most needed. So that it may be a really useful feature of the Cleveland bar to have a sort of chaplain attachment, and yet I want it distinctly understood that as a minister of the gospel I am not in the habit of patronizing the bar. When I do, however, I am rejoiced to find myself in such good company.

There are some things which all preachers and lawyers have in common, and some things in which we differ. For example, I preach and you practice. Of course, no man can be expected to do both. However, laying aside all jesting, there are certain respects in which our work is one. We both seek to reach men's consciences and reform their lives. Yours is the needle to prick and wound, ours the thread which follows, to bind up the broken-hearted. Yours is the plough to tear up and uncover that which hides beneath ; ours is the drill to plant the seed in the broken heart of the poor wretch, which shall so spring up that where there was only mire there may be the white lily of purity and the red rose of joy. I rejoice in the development of that idea, both in the church and in society, that whatever a man's calling may be, whether the law, or merchandise, or picking rags, it may become to him a worship. Not to the exclusion of that higher worship, it is true. For I believe, not only because I am a minister, but because I am a man, that in every soul there should be a best room, which opens toward the sky ; and that every man, for one day in the week, should enter into that room to gaze upward into that immortality which awaits him. But I

am glad to believe, also, that every day may be a holy day, and the smallest duty may be worship. That whether we practice law, or preach the gospel, or sell rags; whether we eat or drink, or whatever we do, we may do all to the glory of God. I am glad that the old view is departing, which I, for one, am doing all I can to break down, that religious duties run in this channel, and what were termed secular duties run in that channel. There is nothing secular. They are all one, and everything is the gospel which is done in the gospel spirit. Such a view will teach us that every calling may be a cathedral in which to worship God. The very court room will thus become a church, and the poorest wretch, who, in his filth and poverty, with a whole story of sorrow and suffering and sin behind him, shuffles his way through the door of the workhouse, will be remembered in pity as a child of God.

This, then, is my interpretation of the gospel in its relation to the law, and the various other vocations of men. That it should be like leaven, not to be eaten all by itself, as though it were a thing apart, but to permeate the whole life, to leaven and exalt the whole lump. So that, without jesting, we see that your work and ours may be much alike, only ours dips deeper than yours. You deal with the acts, but the most radical of all reforms is the gospel; that deals with the thoughts. The law of the land is good, converting the hands; it takes the thievery out of the grip. "The law of the Lord is perfect, converting the soul;" it takes the thievery out of the heart.

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Mr. Amos Denison followed with an eloquent speech upon the toast

"OUR CLIENTS."

MR. PRESIDENT, LADIES AND GENTLEMEN: There can be no subject of more universal interest to an assemblage of lawyers—after "The Ladies"—than "Our Clients," for upon them hangs not only the law but the profits. In the brief time allotted us, and on such an occasion, it is not to be presumed that "Our Clients" will be the recipients of that degree of attention which they are wont to expect and to receive; more especially as there have not as yet been the faintest glimmerings of that "*quid pro quo*" known in legal parlance as a "retainer." Indeed, it would be impossible for us to indulge in a personal introduction even. Suffice it to say, in general, that "Our Clients" embrace nearly every known variety, kind and species of the "*genus homo*." The young, the old, the rich, the poor, the learned, the ignorant, the humble civilian and the gigantic monopoly, thriving municipalities, and even the great commonwealth itself. There is the ideal client, he who scorns other than the most honorable course in law, as in every other relation in life. The villainous client, whose only conception of the law is that of some huge machine of oppression, something after the thumb-screw order. The indefinable client, who, while he utilizes every quirk

and quibble known to the profession, is careful to maintain an air of eminent magnanimity and virtue,

Who makes us prove that black is blue
To win his suit,—and likes it too;
Then fails to give the devil his due,
But skips our fees when all is through.

Some one has said that “clients are at once the lawyer’s opportunity and resource; his acquisition earliest obtained and latest relinquished.” However that may be, in all the varied and multitudinous phases and conditions of the social status, there is no relation of more superlative importance than that existing between lawyer and client—a relation that is involved in every degree and condition of human economy and intercourse, in all their individual, social and public character. It springs into renewed activity with the incipient organization of every life, keeping pace with, and entering into all its complex relations, from the cradle to the grave. It enters into all that pertains to the rights of property, the duties and responsibilities of man to fellow-man, to society, and to the state. Its limits are as boundless as the needs and necessities of human kind. It is like that mighty orbit within which swings the world.

There are times in the history of the client when he is called upon to commit to the lawyer his most sacred and valued interests. His property, his reputation, his personal liberty, his life itself must be entrusted to his keeping. The defense of every right, the redress of every wrong may devolve upon him! To the honor of our profession it has been truthfully said, that “no men are so trusted as lawyers, and none so seldom betray that trust.” No man can be false to his clients and be true to himself! They are the very capital, the only capital known to our trade; the unquenchable fire that burns upon the altars of our faith. Fidelity to our clients should be the all-pervading essence, the cardinal principle, the actuating motive in all our course and conduct. No man can expect to rear the structure of a perfect legal reputation, or to maintain an honorable career in that vocation grounded upon any other fundamental principle. Absolute, unqualified, unflinching integrity in all dealings with clients is the “*nihil absque hoc*” of our profession.

Let every young man, as he enters the portals of our sacred calling, as did the knights of old, engrave upon his shield, inscribe upon his helmet, and carry in his breast the talismanic sentiment, “eternal fealty to whom we serve.” A commanding presence, an elegant diction, profound reasoning faculties, brilliant intellectuality, happily are no longer the only endowments to be brought to the bar. To these must be united a clean conscience, an unblemished character, sterling integrity, and good old-fashioned honesty to constitute the true representative of our grand profession,

which the illustrious Choate declared to be "ancient as magistracy, noble as virtue, necessary as justice."

In response to the final toast—"The Ladies"—Judge S. O. Griswold spoke as follows :

JUDGE GRISWOLD'S SPEECH.

MR. CHAIRMAN, BRETHREN AND SISTERS: When I was notified by your excellent committee that I had been selected to respond to the toast just given, I immediately set at work to carefully prepare and write out an appropriate response. To properly embellish my address, I looked into the poets, not omitting Shakespeare and the Bible. From Chaucer's portrait of the wife of Bath, down to that of the fair Iseult by Swinburne, I made selections, and I assure you it was, although I ought not to say it, a very worthy effort, interspersed with fine quotations, and carefully constructed according to the best rules of rhetoric, as laid down by Blair and other masters of that art. In order not to confuse the printer with my wretched chirography, I had it copied out in a fair and legible handwriting. But don't for a moment, my friends, imagine that I am going to inflict it upon you. It was prepared entirely for the outside public; besides, when my labor was fully completed, the thought suggested itself to me that I had altogether missed the mark, and that I had not done the thing which the committee desired.

It occurred to me that in toasting "The Ladies," your committee had some design or purpose not expressed, that as between ourselves there was something to be read between the lines. The ladies do not fall within our jurisdiction. Why should they be toasted at a bar banquet? It is contrary to all precedent, and surely your learned committee had no intent or purpose to ignore the rule *stare decisis*. It was rumored, also, that the speeches this evening were to be short and witty, and my written address was a very serious affair, and by no means brief. You all know that brevity is the soul of wit, and is unknown to a lawyer's brief. Being, as you all know, a most sedate and sober personage, I at first thought your committee might be poking fun at me by selecting me for the duty of making the response. Again, I didn't know but that "courting," which I have heard was not altogether despised by "The Ladies," was the legal point which makes the toast germain to the occasion. But this seemed a little far-fetched—too remote to be connected with legal procedure. In all legal proceedings, the moving party is, in law parlance, called "the actor," but in the matter of courting, by a well understood legal fiction, the lady is never "the actor," although quite a necessary party to the suit.

Again, it occurred to me, as the lawyers, on an occasion like this, have it all their own way, it was the purpose of the committee to bring "The Ladies" into court, and

that it was expected of me either to appear as advocate or act as judge. If I was to appear as advocate in their behalf, it would be clearly a work of supererogation. It is true that we of the male persuasion take pride, and vaunt exceedingly, that the right of free speech is firmly established in the national and state constitutions. We boast that this feature in the bill of rights has become a part of the fundamental law of the land only by great and long continued struggle. But when was it ever thought necessary, by constitutional guaranty or other solemn enactment, to secure this blessed privilege for "The Ladies?" Does not every student even know that, not merely in Blackstone and Kent, but in all the text-books, from Glanville and Bracton to the present writing, under the title "La Feme," it is laid down as an indisputable maxim: *Linguam quisque mulier habet*; that is to say, every woman hath a tongue, and can use it? Very recently a learned clergyman, in a lecture, noticed in all the city papers, proved beyond a reasonable doubt that Xantippe was a model woman. It was very certain that he was a believer in the doctrine of plenary inspiration. Therefore, whatever I might say in their behalf would be subject to a motion to strike out as redundant and surplusage.

Surely the committee could not have expected me to support the opposite side. It would require greater courage than that of Alexander, or of the mighty Julius himself, and they well knew I was not that kind of a man. But to sit as judge on or over them would be still worse. I know not the mortal man who has the vaulting ambition to aspire to such an office. He would need to be wiser and more unerring than Minos or Radamanthus. You know that when they were on the supreme bench it was supposed they had divine guidance in difficult cases. There is only one reported case where they gave judgment against a woman. This case was fully reported by one of the early reporters, and is entitled

" *In re Eurydice, Uxor, etc.* ; "

and, as you all know, their judgment was reversed. That case was much considered by the early commentators, but I do not intend to weary you with a summary of their views. One of them, however, notices a rumor which prevailed for some time, that there was some back-stair influence in bringing about the reversal; that when Orpheus got up his musical entertainment the judges had free tickets sent them, but this commentator indignantly refutes this idea, and denounces it as a foul aspersion on the purity of the judiciary, and concludes with the remark that the reversal might have been expected, for even the vast Plutonian gates could not enclose a woman against her will.

It was, therefore, clear to me that I was not on the right track, and I began to fear I must read you my written speech after all. As a last resort, however, I thought I would try to get something out of the committee as to their real purpose.

You know a fine professional courtesy requires them not to divulge their secrets. But I had a friend on the committee, and such being the case is like a lawyer having a friend on the jury, who, if he cannot help to bring in a favorable verdict, can at least hang the other eleven. So I accidentally dropped in on the committee, and from my looks this friend readily divined the dilemma in which I was placed. He immediately went to the book-case, took down a volume, turned down a leaf, and handed it to me. I quietly withdrew, his fellows having no idea what was in fact passing between us. As I went out, I looked at the book, and saw it was a law dictionary, and the leaf was turned down at this maxim: *Expressio unius est exclusio alterius*; which, literally translated, means—when you go to see your girl, you want other fellows excluded from fooling around, though its legal sense is somewhat different. I readily took the hint. In the use of the words, “The Ladies,” the committee had another idea, which they did not wish to express to the public. I saw at a glance what was their real intent and purpose. They were justly alarmed, as most of us are, at a great calamity which threatens the bar itself, which is, that at the present time the ladies are determined to enter into the hitherto sacred ranks of our profession, and as I suppose, between ourselves, the toast is to be read between the lines—“The Ladies, but not as Lawyers”—and, forsooth, I was selected to respond; and because I had been a legislator and had tinkered at constitution-making, it was thought I might make some suggestion tending to avert this great danger which threatens us. The careless observer might not think the entrance of the fair sex into our professional ranks a very serious matter, but we all readily perceive it would result in our complete professional ruin. What would become of all our careful and painstaking labor in the preparation of our cases, the horse-shedding of witnesses, and of our sonorous and pathetic appeals to the jury when one of these fair advocates, with her sweet smiles and bewitching manner, would steal away the verdict from under our very nose? Of what use our great learning and research? We might pile up authorities, like Pelion on Ossa, but where is the judge who would provoke her scornful glance by an adverse ruling? Then, again, we should be prevented from exercising one of our immemorial privileges, that of abusing the plaintiff’s attorney, when we had no other defense. Who would dare assail one of these fair beings? He would only enhance the damages in which his client would be certain to be mulct.

I could “horror on horrors accumulate,” but among ourselves this is unnecessary. We all know how it would be. As I fully realized the purpose of the committee, I felt wholly inadequate to the task. It is a very difficult problem to wrestle with, and I confess to you that I look upon their success in the matter as a foregone conclusion. I could think only of some suggestion that might, if followed, mitigate the evil.

My first thought was that we could have an understanding among ourselves, that as fast as these fair candidates were admitted we would take them into partnership, and then, by opposing them one against another, we could have the benefit of the doctrine of "set off." When they met as opposing counsel, it would be "Greek meeting Greek." But I soon perceived that this method was accompanied with serious difficulties. Suppose the male member of the firm, when at his evening tea, should innocently remark how sweetly his partner, Miss Blonde, won the jury to return a verdict in favor of their client; or how his partner, Miss Brunette, with her scornful look, disconcerted the opposing counsel, when he was seeking to browbeat one of their timid witnesses; perchance, should remark that, at lunch, how charmingly Miss Sweet Eyes told the story of her outwitting and nonsuited old Crossgrain—you readily see there would be no need of cayenne pepper to spice that evening meal. Again, it was quite evident to me, that however promising the partnership business might be in theory, it could only be a temporary expedient. As all young lawyers are ambitious to become members of an established firm, we might at first inveigle them into a partnership, but they would soon discover that we were the drones and they the queen bees. If they permitted the partnership relation to continue, we would soon find them applying to the division of the fees the well known maxim, *Cujus est divisio alterius est electio*, which means, that the one who asserts the right of division can say—I'll take the body, and you can have the horns and hide; or they might jocosely remark, *De minimis non curat lex*, which means, you are small potatoes, as far as earning fees are concerned.

I readily perceived that we must adopt other tactics, and I bethought myself of the old war maxim, "Divide and conquer." I thought, perhaps we could have a proviso attached to the law, that no married woman should be admitted as a practitioner—and to this end we might rely on the outsiders for help. Ordinarily, men do not care how our profession is injured by new legislation. On the whole, they are rather hostile to us, and enjoy any such thing. But a common danger makes even foes to become at least allies, if not friends. We could easily suggest to them how they would be likely to suffer unless they united with us on this point. You all know that a man at his best can hardly pull even under the conjugal yoke. But let the wife be equipped with the harness of the law, and what chance would any common mortal then have?

I seem to hear her already saying, I am the bread winner; you must be the bread maker. If he should show any signs of rebellion, she would respond, "*Cujus est commodum ejus debet esse incommodum*," which means that he who has the cream should milk the cow. Would she not say to him, as you are entitled to the wages of the children during their minority, you should have the burden of their nursing and care? I think, therefore, we can rely upon outside help to prevent the admission of married ladies.

This seemed to me quite a point to be gained. Then, as the incoming members were all single, we could have a rule of court that we would marry them as fast as they were admitted, and, perhaps, if we succeeded in this venture, we could confine their practice to the law of domestic relations. I have no doubt this scheme would work all right, if all the lawyers were handsome men, like my brother Dickey over there. But what will become of ill-favored fellows like myself, brothers Weh or McFarland? Why, McFarland, lo! these many years, has been vainly striving to get a wife from the non-professional ranks. He has been industrious, made strenuous efforts, and is really growing gray in the struggle, but all to no purpose. What chance would he stand were he to meet one on his own vantage ground? No; this plan would not work at all. We would soon be obliged to say farewell to the days when we made the court house walls re-echo with our sonorous eloquence. Farewell to triumphs in brow-beating witnesses, and in making the worse appear the better reason. Farewell all "pride, pomp and circumstance" of our glorious state. Our occupations gone; abandoned by clients, fees vanished, and our hopes only "such stuff as dreams are made of." We shall be compelled to become real estate brokers, keepers of bucket shops, or to enter some other occupation requiring neither capital nor conscience, to which we are equally well adapted.

Indeed, the more I thought of the matter, the greater became my doubts, and I had concluded that the wiser course would be to keep a profound silence on the matter, and after all read you my written speech. But on my way here this evening, I fell in with my brother McFarland, and I made known to him the difficulties with which I had been beset. To my surprise, he did not appear in the least alarmed. "How is it," I said, "you are so serene? One would think it was a May morning with you." "Ah, my boy," he says, "you have overlooked the very first aphorism in the lawyers' *vade mecum*. 'There are many ways of whipping the devil around a stump.'" "Enlighten me," I said. He put his finger on his nose, and replied: "Don't you know I am one of the state examining committee for the admission of lawyers? We have talked the matter over, and the supreme judges are with us. When the ladies come for admission, they are going to add another requirement." "That won't do," I said; "they can answer all questions as well, and perhaps better than the male candidates." "Oh, that is not it. There will then be required of all candidates, in addition to the usual examination, that each shall take an oath to inviolably keep all professional secrets; and where, I ask you, is the fair being who, with uplifted hand, in the presence of God and man, could solemnly swear or affirm that she would keep a secret?"

This device may save us. If not, we have no help. I trust the committee will believe I have fairly tried to do my duty. You have the benefit of my suggestions,

but we must not let our fears be known. We must all look serene, just as if there was no danger. As I understand, the reporters here are all our friends; if they will come to me after the supper is over, I will give them my written speech to publish, and the outside public will then have no suspicion of the trouble we are in.

Dancing, on this, as on all former occasions, was one of the delightful features of the festivities.

BANQUETING THE JUDGES.

The courtesies and civilities of the bar, manifested on the several occasions of retiring judges, have operated to the foregoing of the annual festivities of the bar association proper for a year or two, being merged in the occasions of honor. First, to Judge Blandin, on his retirement from the bench, in October, 1885, when a banquet was tendered him at the Kennard House, Judge Hutchins presiding, with ex-Sheriff Wilcox on his right and Hon. M. A. Foran on his left, and appreciative and complimentary speeches by W. S. Kerruish, on "The Man and the Occasion," Judge Blandin responding; and remarks were made by L. A. Russell, Esq., on "Practice *vs.* Precedent;" Foran, on the "Comedy of Practice;" Andrew Squires, on the "Tragedy of Practice;" Colonel E. Sowers, on "The Judge and Jury from the Defeated Attorney's Standpoint;" Wilcox, on "The Servants of the Bench and Bar;" and J. H. Hoyt, on "The Amenities of Practice."

And, again, the retirement of Judge Jones, after ten years' eminent judicial service, was made the occasion of tendering the honors and civilities of the bar. It transpired at the Stillman House, in February, 1887, and was an elaborate and elegant affair—purely social and informal. The repast was sumptuous, in keeping with the fame of the house. Judge John W. Heisley presided, and opened the intellectual part of the entertainment by happy remarks; followed by most pertinent and appreciative expressions touching the eminent judicial career of the honored guest, from E. J. Estep, W. S. Kerruish, R. A. Davidson, John C. Hutchins, Judge Haynes, of Toledo, Judge Coffinberry, H. C. Ranney, General Ed. S. Meyer, John Coon and Hon. A. J. Williams.

The hilarious spirit of this occasion, as of nearly every other of the bar festivals, was manifested in the call upon Judge Coffinberry for the rendering, in his own matchless style of voice and action, of the quaint and humorous rustic song, "The Bobtail Mare." The humor of the song is greatly enhanced in dropping from the lips of the grave and sober judge. It has, however, to be forced from him by something like a peremptory and unanimous command of the company, as the judge's tastes are not in the line of the comedian or the comic singer. In responding to this request, he prefaced the performance with a gem of literary and local history of the song, as follows :

"The *moral* of the song is, that a lie well stuck to is as good as the truth. I used to think," said the judge, "that it had no author and was never composed, but that some irreverent fellow had just made it out of nothing, and sung it himself. Recently, however, I found the song and some account of it, under the title of Border Minstrelsy, in a very fine edition of the poetical works of Sir Walter Scott. It is there said it was immensely popular with the early roystering lawyers of the Scottish border.

"A young lawyer, distinguished for his wit and *bonhomie*, afterwards a supreme judge of Ohio, was the first to sing it west of the Allegheny mountains. More than sixty years ago, he found himself a stranger, strapped and in debt for a hotel bill in Pittsburgh. Walking the streets, with a solitary quarter in his purse, puzzling his brains to find some source of escape from his embarrassing situation, he saw a fellow posting a theatrical bill, and determined to spend the last shot in the locker in securing one more night of fun. At the close of the play, the manager came forward and apologized to his large audience for his inability to fill the programme in consequence of the sudden illness of a celebrated comic singer of his company. The young lawyer leaped upon the stage, and told the story and sang the song of The Bobtail Mare, as he only could tell and sing it. The effect was electrical. It took down the audience, and nearly shook down the house. Bouquets and money fell in showers at the feet of the singer. The next morning, before he was dressed, the manager was at his room, vainly seeking to secure him for a permanent engagement. His refusal to join a theatrical troupe lost to the stage a great comedian, and saved to the bar and bench of Ohio one of its most distinguished and entertaining early members.

"Fifty years ago, the song was a prime favorite with the bench and bar of Ohio, and it is still sung throughout the hoop-pole districts and all along the western margin of the state.

"Briefly told, the story is that a shipwrecked Frenchman was cast upon a lonely beach, in an unconscious state. Upon coming to his senses, he shook himself together and wandered inland until he came to a farm house, where he was made welcome by the farmer's wife, in the absence of her husband. He told his story of the wreck and the loss of all the passengers and crew, and that he alone had escaped a watery grave, and called her attention to his forlorn condition, stripped of all he had on earth, wet, and famishing with cold and hunger. She gave him a jorum of brandy, built a rousing fire, and prepared him a bountiful breakfast. Then, unable to restrain her woman's curiosity longer, she inquired his name, his business, where he came from, where bound to, etc. He told her in broken English, that he was from Paris. She had never heard of Paris, but had heard much of Paradise, and was delighted to learn that her guest hailed from that celestial land, the blissful haven of all her hopes. She told

him that her dear first husband had lived for several years in Paradise—that her second husband was a good, industrious sort of fellow, thrifty enough, and kind to her, but not at all comparable to Mike—her heart was in Paradise with Mike—and didn't the stranger know her Mike, or hadn't he never heard of Mike? and more than hinted that not to know her Mike was to be unknown and a stranger to the highest bliss of that blessed land. The honest Frenchman smelled a rat, and, being at the bottom of fortune's wheel, he humored her bent, as, lead where it would, it could not injure him. He asked her husband's name? 'And sure,' said she, 'it's Mike Maloney, and Mike has no call to be after changing his own sweet name. He left me this farm, with horses, cattle, sheep and pigs a-plenty, and more than a thousand dollars in money, and sure you must know Mike in Paradise?' 'O yes, yes madame, I know Monsieur Mike Maloney very well. He is my good neighbor and very good friend up there.' 'And is the dear man well, and has he everything to make him happy?' 'Well, madame, my friend Maloney is one *bon vivant*—what you call one jolly comrade, and his many friends do not make him rich. I think he would like a good horse, a few hundred dollars and a good, warm overcoat.' 'O, Mike, poor fellow, how I do wish I could send them all to my dear husband. I have them all and more to spare of my very own. Do you think, sir, of going back to Paradise?' 'O yes, madame, I go directly there.' 'And would you kindly encumber yourself with them for your friend Mike? I know he would do as much and more for you.' 'Yes, yes, madame, I will be only too happy to serve my friend Maloney.'

"The mare was saddled, the overcoat donned, and with pockets well filled, the Frenchman made off *en route* for Paradise. Going up a mountain side, he saw a shepherd attending his flock, and accosted him, 'Hello, Mr. Shepherd, will you tell one lie for one dollar?' 'Yes, indeed, I will. I will lie all day for a dollar; I've told many a lie for a shilling.' 'I want no little shilling lie; I want a big dollar lie,' said the Frenchman, 'and when you tell him, you stick to him like a ball of wax. By-an-by, when one man comes here and asks for one man as is I, on one bobtail mare as is this, you tell him the man and the mare ride up on that rock, and go straight up in the air, and no more come down.' 'Zounds!' said the shepherd, 'that *is* a dollar lie, for certain; but fork over the dollar, and I'll tell it, and stick to it.' When the second husband got home, he found his wife dissolved in happy tears, and so grateful to the Frenchman for affording her an opportunity of doing a good turn for dear Mike. Being a good, sensible fellow, he found no fault with her generous credulity, but 'put off at once after the scamp who had swindled her. Coming to the shepherd, he hailed him in the language of the song, which tells the rest of the story."

THE BOBTAIL MARE.

O bonny shepherd, can you tell me,
 Pray, have you seen a man ariding,
 With coal black hair, on a bobtail mare?
 Methinks, I am not far behind him.

O yes, I saw a man ariding,
 Which did much confound my wit,
 For the man and the mare went up in the air,
 And I see them yet, and I see them yet.

O bonny shepherd, a'int you mistaken?
 Methinks you do abuse your wit—
 Odds zounds! said he, come sit down by me,
 For I see them yet, and I see them yet.

When I first looked, mine eyes were dim,
 But now, methinks, I see more clear—
 In yonder cloud, I see my mare,
 As she goes cantering through the air.

Then he fell to hallooing and calling,
 Like one who hailed some distant friend—
 Hello! Yahoo!! Hello! Yahoo!!
 To my wife's first husband, me commend.

The rollicksome fun eliminated from this Highland doggerel, which sets the table in a roar, culminates in the final stanza. Judge Coffinberry's characterization of the *dramatis personæ* of the quaint and simple story is the humorous feature of the entertainment, the pleasure of which is greatly enhanced by the plaintive melody of that charming voice which fifty years ago captivated the daughters and illustrated the songs of Zion on the banks of the Maumee.

The latest social gathering of the Cleveland bar was a banquet tendered in honor of three distinguished members of the bench, whose terms of office expired in February, 1888—Judge Tilden, of the Probate Court; Judge McKinney, of the Common Pleas Court, and Judge Haynes, of the Circuit Court. It was held at the Weddell House. About one hundred and twenty of the most prominent lawyers participated, and it was unsurpassed by any former festival. Among the veterans of the profession were Hon. John A. Foote and Hon. J. M. Coffinberry. Judge Thoman, of Youngstown, and General Voris, of Akron, were among the guests. At 9:30 o'clock, the gentlemen formed a line, and marched to the banquet hall. The tables were arranged so as to form three sides of a square, and were beautifully adorned for the occasion. Judge John W. Heisley presided. At his right sat Judges McKinney, Lamson, Noble, Baldwin, Sanders, Williamson and White, and on his left Judges Haynes, Coffinberry,



Conway W. Noble

Jones, Hamilton, Stone, and Hon. John A. Foote and Mr. E. J. Estep. Judge Tilden was unable to be present on account of illness, and his absence was much regretted.

In announcing the season of oratory, Judge Heisley read a letter from Hon. Harvey Rice, the oldest member of the bar. It was to the effect that Mr. Rice's ill health prevented his attendance, but he sent his best wishes to all present, and expressed his high appreciation of the judges in whose honor the banquet was given.

Judge Heisley stated in his opening address that the banquet was a sort of rough and ready affair, with nothing of the straight-jacket about it. He then related a story, the scene of which was laid in his native Berks county, Pennsylvania. At the mention of the name of Hon. John A. Foote, there was loud applause. Mr. Foote was introduced as one of the pioneers of the bar, and he briefly related some reminiscences of his career. Judge Haynes, of Toledo, was introduced, after Judge Heisley had read a very interesting poem about a concert on the Maumee. It was received with shouts of laughter and loud calls for Haynes.

In the course of a brief address, Judge Haynes said:

"I came among you a comparative stranger, and with little experience in the duties I was called upon to perform. Our duties in the Circuit Court have been abundant, and I will take this occasion to thank every member of the bar for the kind co-operation extended us. I believe that it was the original intention to keep Cleveland and Toledo in the same circuit, for the reason that similar questions constantly arose in both cities. It has been decreed otherwise, and the separation is to me a source of sincere regret."

Remarks were made by W. S. Kerruish and Judge Henry McKinney. Judge Coffinberry declined to make a speech, but read a humorous song composed on the occasion of a banquet given years ago to celebrate the marriage of a judge. He said that when he was admitted to the bar the legislature allowed a common pleas judge \$733.33 per year, and there was no dearth of candidates. His compliment to the efficiency of the executive committee having charge of the banquet was warmly approved. In his inimitable manner, Judge Coffinberry then related the story and sang the song of "The Bobtailed Mare."

BIOGRAPHICAL DIRECTORY.

THE BAR OF 1889.

The editors acknowledge the courtesy of Messrs. Annewalt & Co., publishers of the Cleveland Directory, for the following revised list of the members of the Cleveland bar, furnished in advance of the publication of their Directory for 1889-90:

Samuel E. Adams,	Frank A. Beecher,	Darius Cadwell,
William E. Adams,	A. W. Beman,	Frank W. Cadwell,
Seymour F. Adams,	Alton A. Bemis,	Hugh J. Caldwell,
Jarvis M. Adams,	Alvah Benjamin,	Newton S. Calhoun,
Adelphos Alexander,	Charles B. Bernard,	Thomas E. Callaghan,
Joseph N. Amor,	F. H. Bierman,	Oscar J. Campbell,
W. W. Andrews,	Herbert W. Bill,	Charles G. Canfield,
E. A. Angell,	L. Jesse P. Bishop,	Harrison W. Canfield,
Sherman Arter,	Samuel C. Blake,	Alfred G. Carpenter,
Jay L. Athey,	E. J. Blandin,	William F. Carr,
A. H. Atwater,	Frank E. Bliss,	Eckstein Case,
Robert S. Avery,	Joseph C. Bloch,	George L. Case,
Charles H. Babcock,	W. B. Bolton,	Alexander C. Caskey,
William A. Babcock,	W. W. Boynton,	O. H. L. Castle,
Richard Bacon,	Abraham T. Brewer,	Frank M. Chandler,
Charles C. Baldwin,	Allan T. Brinsmade,	Caius A. Chapman,
Ernest E. Baldwin,	Olin W. Broadwell,	George T. Chapman,
J. William Ball,	Elmer E. Brooks,	Charles W. Chestnutt,
Gershom M. Barber,	John Brown,	William T. Clark,
A. W. Barber,	Alfred E. Buell,	James D. Cleveland,
George H. Barrett,	Howard M. Bull,	Walter G. Cleveland,
Huxham P. Bates,	Henry C. Bunts,	Cullen W. Coates,
Edson B. Bauder,	Vernon H. Burke,	John C. Coffey,
C. B. Beach,	Stevenson Burke,	Charles Colahan,
M. W. Beacom,	Andrew M. Burns,	Clucas W. Collister,
William H. Beavis,	W. H. Burrridge,	Jay Comstock,
William B. Beebe,	Theodore E. Burton,	Delos Cook,

Ernest S. Cook,	Martin A. Foran,	B. W. Haskins,
John Coon,	George C. Ford,	Edward P. Hatfield,
Morton W. Cope,	H. Clark Ford,	William M. Hayden,
Charles M. Copp,	Lewis W. Ford,	Echo M. Heisley,
Henry T. Cowin,	Simpson S. Ford,	John W. Heisley,
William E. Cushing,	E. J. Foster,	William Heisley,
George L. Dake,	George H. Foster,	J. M. Henderson,
Robert A. Davidson,	Mrs. Spargo Fraser,	G. E. Herrick,
Jay P. Dawley,	Frank C. Friend,	J. F. Herrick,
Frank E. Dellenbaugh,	D. W. Gage,	Myron T. Herrick,
James H. Dempsey,	Frank C. Gallup,	Leonard Hershey,
Amos Denison,	Harry A. Garfield,	E. L. Hessenmueller,
William H. DeWitt,	James R. Garfield,	George Hester,
H. B. DeWolf,	M. B. Gary,	George M. Hicks,
Moses R. Dickey,	William H. Gaylord,	William B. Higby,
Franklin J. Dickman,	O. G. Getzen-Danner,	Frank Higley,
Thomas K. Dissette,	N. A. Gilbert,	Adin T. Hills,
S. D. Dodge,	E. Waters Goddard,	Edmund Hitchens,
Alton C. Dustin,	F. H. Goff,	M. M. Hobart,
Lucius B. Eager,	Harvey D. Goulder,	James G. Hobbie,
Samuel M. Eddy,	T. H. Graham,	James J. Hogan,
Emerson H. Eggleston,	Joseph S. Grannis,	L. E. Holden,
Alexander Elmslie,	Arnold Green,	R. R. Holden,
J. J. Elwell,	John P. Green,	Orlando B. Hoover,
John E. Ensign,	Seneca O. Griswold,	J. K. Hord,
E. J. Estep,	George A. Groot,	Norton T. Horr,
Charles J. Estep,	Louis J. Grossman,	James Hossack,
Thomas Evans,	Victor Gutzweiler, Jr.,	C. L. Hotze,
Charles D. Everett,	Alexander Hadden,	James H. Hoyt,
Harrison J. Ewing,	John C. Hale,	Clement V. Hull,
Harry M. Farnsworth,	Orlando Hall,	John M. Hull,
Joseph E. Farrell,	Thomas B. Hall,	James Hunter,
Jesse B. Fay,	Edwin T. Hamilton,	James M. Hurlbut,
William F. Fiedles,	James H. Hardy,	John Hutchins,
Charles L. Fish,	E. J. Hart,	John C. Hutchins,
James Fitch,	Melancthon C. Hart,	Alvan F. Ingersoll,
N. Marks Flick,	W. J. Hart,	George L. Ingersoll,

Jonathan E. Ingersoll,	A. J. Marvin,	Charles E. Pennewell,
William Johns, Jr.,	Frank M. Mather,	Thomas Piwonka,
M. B. Johnson,	Thomas A. McCaslin,	Joseph C. Poe,
H. H. Johnson,	John J. McCormick,	William H. Polhamus,
Thompson H. Johnson,	George W. McDonald,	Julius G. Pomerene,
Thomas L. Johnson,	William C. McFarland,	M. W. Pond, Jr.,
James M. Jones,	George R. McKay,	H. H. Poppleton,
Emil Joseph,	Thomas B. McKearney,	Perry Prentiss,
Calvin A. Judson,	Henry McKinney,	Loren Prentiss,
Peter H. Kaiser,	Francis C. McMillin,	W. D. Pudney,
Paul G. Kassulker,	James K. Meaher,	James Quayle,
Harvey R. Keeler,	Anton G. Melichar,	Henry C. Ranney,
Myron R. Keith,	John S. Merry,	John R. Ranney,
Hermon A. Kelley,	Edward S. Meyer,	Rufus P. Ranney,
Frank H. Kelly,	A. J. Michael,	William M. Raynolds,
John J. Kelly,	Robert E. Mix,	Thomas Reilley,
Thomas M. Kennedy,	Charles F. Morgan,	Daniel F. Reynolds, Jr.,
W. S. Kerruish,	Frank D. Morrow,	James H. Rhodes,
S. Q. Kerruish,	Robert T. Morrow,	William L. Rice,
William K. Kidd,	Walter E. Morrow,	Charles L. Richardson,
Virgil P. Kline,	Julius Mueller,	Charles B. Robinson,
Robert E. Knight,	Hiram H. Munn,	Henry L. Robinson,
Edwards W. Laird,	Millard H. Nason,	Thomas Robinson,
Alfred W. Lamson,	O. L. Neff,	William Robison,
E. J. Latimer,	W. B. Neff,	Montague Rogers,
Gustav A. Laubscher,	Arthur St. John Newberry,	William C. Rogers,
James Lawrence,	Felix Nicola,	Hudson P. Rose,
Charles F. Leach,	Conway W. Noble,	Talmar J. Ross,
Roger M. Lee,	Miner G. Norton,	L. A. Russell,
M. D. Leggett,	J. M. Nowak,	George H. Safford,
L. L. Leggett,	Walter C. Ong,	Joseph H. Sampliner,
Herbert L. Lilly,	Joseph A. Osborne,	William B. Sanders,
Joseph T. Logue,	Wilbur Parker,	Andrew J. Sandford,
L. Rood Loomis,	Richard C. Parsons,	George Schindler,
J. C. Lower,	James B. Paskins,	Gustav Schmidt,
Albert E. Lynch,	Perry W. Payne,	Solomon A. Schwab,
Jesse H. McMath,	Truman D. Peck,	Ernest C. Schwan,

George H. Schwan,	Carlos M. Stone,	Leonard Watson,
William H. Schwartz,	Albert Straus,	J. H. Webster,
Frank Scott,	Theodore Strimple,	Albert H. Weed,
Charles L. Selzer,	Joseph W. Sykora,	Capell L. Weems,
James M. Shallenberger,	William E. Talcott,	John F. Weh,
C. N. Sheldon,	LaZell Tanney,	John N. Weld,
Henry S. Sherman,	Charles Taylor,	Nicholas P. Whelan,
W. E. Sherwood,	John W. Taylor,	Henry C. White,
Jesse N. Shourds,	William G. Taylor,	John G. White,
Frank B. Skeels,	Walter A. Thieme,	Eljen K. Wilcox,
Abner Slutz,	Edward J. Thobaben,	Frank N. Wilcox,
J. A. Smith,	Daniel R. Tilden,	A. J. Williams,
George B. Solders,	Duane H. Tilden,	James M. Williams,
M. H. Solloway,	Shirley H. Tolles,	Samuel E. Williamson,
George G. Sowden,	William V. Tousley,	L. A. Willson,
E. Sowers,	Joel W. Tyler,	William C. Wilson,
Andrew Squire,	John W. Tyler,	Louis H. Winch,
Everett D. Stark,	R. D. Updegraff,	Francis J. Wing,
Samuel Starkweather, Jr.,	Harry L. Vail,	George C. Wing,
Benjamin C. Starr,	Charles M. Vorce,	John O. Winship,
Arthur A. Stearns,	James Wade,	Cornelius C. Young,
W. C. Sterling,	F. T. Wallace,	Augustus Zehring,
James W. Stewart,	James F. Walsh,	Charles Zucker,
J. M. Stewart,	Liberty H. Ware,	Peter Zucker.

AN OFFICIAL ROSTER.

Cleveland judges of the State Supreme Court: Samuel Huntington, elected by the legislature and commissioned by Governor Tiffin, April 2, 1803, resigned December 5, 1808; Reuben Wood, elected by the legislature in 1833, resigned in 1845; Rufus P. Ranney, elected by the legislature March 17, 1851, *vice* Edward Avery, resigned; in October of the same year, he was re-elected by the people, and resigned in 1856; the next year he removed from Warren to Cleveland; in 1862, he was again elected to the bench, and resigned in 1864; F. J. Dickman, appointed by the governor in 1886; nominated to the same in 1887; and again in 1889, and elected.

Cleveland clerks of the State Supreme Court: Arnold Green, 1875 to 1878; Richard J. Fanning, 1878 to 1881.

Judges of the United States District Court: Hiram V. Wilson, appointed February 20, 1855; Martin Welker, 1879, retired in 1889; A. J. Ricks, appointed in 1889.

Clerk United States District Court: Earl Bill, March 22, 1867; Charles H. Bill, 1885; A. J. Ricks, 1886, promoted to United States judge in 1889; and Martin Welker Sanders, in 1889.

United States district attorneys: D. O. Morton, R. P. Ranney, G. W. Belden, R. F. Paine, Joseph Root, Moses Kelley, F. J. Dickman, George Willey, Jno. C. Lee, Ed. S. Meyer, E. H. Eggleston, Robert S. Shields, I. N. Alexander.

Judges of the Court of Common Pleas, appointed for seven years by the governor, with date of appointment: Benjamin Ruggles, of St. Clairsville, June 6, 1810; Nathan Perry, Cleveland, June 6, 1810; Augustus Gilbert, Cleveland, June 6, 1810; Timothy Doane, Euclid, June 6, 1810; Erastus Miles, Newburg, March 2, 1814; Elias Lee, Euclid, March 3, 1814; George Tod, Youngstown, November 2, 1815; John F. Strong, Cleveland, May 28, 1817; Thomas Card, Willoughby, February 8, 1819; Samuel Williamson, Cleveland, February 5, 1821; George Tod, Youngstown, reappointed February 24, 1823; Isaac M. Morgan, Brecksville, February 26, 1824; Nemiah Allen, Willoughby, February 8, 1825; Samuel Williamson, Cleveland, reappointed February 5, 1828; Reuben Wood, Cleveland, March 29, 1830; Watrous Usher, Olmstead, February 26, 1831; Simon Fuller, Willoughby, April 9, 1832; Matthew Birchard, Warren, April 22, 1833; Eben Hosmer, Newburg, October 6, 1834; Josiah Barber, Brooklyn, March 17, 1835; Van R. Humphrey, Hudson, March 2, 1837; Samuel Cowles, Cleveland, September 18, 1837; Daniel Warren, Warrensville, February 8, 1838; Frederick Whittlesey, Cleveland, February 27, 1838; John W. Willey, Cleveland, February 18, 1840; Reuben Hitchcock, Painesville, July 14, 1841; Benjamin Bissell, Painesville, January 22, 1842; Asher M. Coe, Dover, February 9, 1842; Joseph Hayward, Cleveland, February 9, 1842; Thomas M. Kelley, Cleveland, February 24, 1845; Philemon Bliss, Elyria, February 24, 1849; Quintus F. Atkins, Cleveland, March 6, 1849; Benjamin Northrup, Strongsville, March 6, 1849; Samuel Starkweather, Cleveland, January 16, 1851. Elected by the people for five years, with date of election: Horace Foote, 1853; Thomas Bolton, 1856; Jesse P. Bishop, 1856; Horace Foote, re-elected 1858; Thomas Bolton, re-elected 1861; James M. Coffinberry, 1861; Horace Foote, re-elected 1863; Samuel B. Prentiss, 1866; Horace Foote, re-elected 1868; Robert F. Paine, 1869; Samuel B. Prentiss, re-elected 1871; Darius Cadwell, 1873; G. M. Barber, 1875; J. M. Jones, 1875; E. T. Hamilton, 1875; Jesse H. McMath, 1875; Samuel B. Prentiss, re-elected 1876;

Darius Cadwell, re-elected 1878; G. M. Barber, re-elected 1880; E. T. Hamilton, re-elected 1880; Samuel E. Williamson, 1880; Henry McKinney, re-elected 1880; James M. Jones, re-elected 1881; J. E. Ingersoll, 1882; John W. Heisley, 1883; E. J. Blandin, 1883; E. T. Hamilton, re-elected 1885; Henry McKinney, re-elected 1885; Carlos M. Stone, 1885; Alfred W. Lamson, 1885; Conway W. Noble, 1886; Wm. B. Sanders, appointed by governor 1887, re-elected 1888; Geo. B. Solders, 1888; Hamilton, Stone and Lamson re-elected, and W. E. Sherwood elected, 1889.

Judges of the Probate Court elected by the people for three years, with year of election: Flavel W. Bingham, 1851; Daniel R. Tilden, 1854, continuously re-elected until 1887, when Henry Clay White was elected, and is the present incumbent.

Prosecuting attorneys, appointed by the Court of Common Pleas, with date of appointment: Peter Hitchcock, Burton (Geauga county), June 6, 1810; Alfred Kelley, November 7, 1810; Leonard Case, June 1, 1825; Sherlock J. Andrews, May 15, 1830; Varnum J. Card, November 5, 1832. Elected by the people for two years, with year of election: Varnum J. Card, 1833, re-elected in 1835; Simeon Ford, 1837; Thomas Bolton, 1839; Franklin T. Backus, 1841, re-elected in 1843; Bushnell White, 1845; Stephen I. Noble, 1847; Joseph Adams, 1849; Samuel E. Adams, 1851; Samuel Williamson, 1853; A. G. Riddle, 1855; Loren Prentiss, 1857; A. T. Slade, 1859; Bushnell White, 1861; Charles W. Palmer, 1863; M. S. Castle, 1865; J. M. Jones, 1867; E. P. Slade, 1869; Homer B. DeWolf, 1871; William Robison, 1873; Samuel M. Eddy, 1875; John C. Hutchins, 1877; Carlos M. Stone, 1879; Alex. Hadden, 1884, and is the present incumbent.

Clerks of the Court of Common Pleas, appointed by the court: John Walworth, June 6, 1810, two years; Horace Perry, November 14, 1812, reappointed for seven years, March 3, 1814, again November 10, 1820, and a third time October 16, 1827; Harvey Rice, October 19, 1834, seven years; Aaron Clark, October 19, 1841 (resigned); Frederick Whittlesey, November 11, 1841, seven years; Aaron Clark, November 11, 1848 (resigned); Robert F. Paine, October 27, 1849. Elected by the people for three years: James D. Cleveland, February 10, 1852; John Barr, February 12, 1855; Roland D. Noble, February 8, 1858; Frederick J. Prentiss, February 9, 1861, re-elected in 1863; Frederick S. Smith, February 9, 1867, re-elected in 1869; Benjamin S. Cogswell, February 9, 1873; Wilbur F. Hinman, February 9, 1876, re-elected in 1878; Henry W. Kitchen, February 9, 1882, re-elected in 1884; Levi E. Meacham, February 9, 1888, and is the present incumbent.

Sheriffs appointed by the Court of Common Pleas: Smith S. Baldwin, 1810 to 1813; Harvey Murray, 1813, one month; Eben Hosmer, 1813 to 1817; Enoch Murray, 1817 to 1819; Seth Doan, 1819 to 1822; James S. Clark, 1822 to 1826; Edward

Baldwin, 1826 to 1830. Elected by the people for two years, with date of assuming office : John Barr, 1830 to 1834 ; A. S. Barnum, November 1, 1834 ; Seth S. Henderson, November 1, 1836, re-elected 1838 ; Madison Miller, November 1, 1840, re-elected 1842 ; Huron Beebe, November 1, 1844, re-elected 1846 ; Elias S. Root, November 1, 1848 ; Alva H. Brainard, November 1, 1850 ; Seth A. Abbey, November 4, 1852 ; Miller M. Spangler, November 6, 1854, re-elected 1856 ; David I. Wightman, January 3, 1859 ; James A. Craw, January 7, 1861 ; Edgar F. Lewis, January 5, 1863 ; Felix Nicola, January 2, 1865, re-elected 1866 ; John N. Frazee, January 4, 1869, re-elected 1870 ; Pardon B. Smith, January 6, 1873 ; A. P. Winslow, January 2, 1875 ; John M. Wilcox, January 1, 1877, re-elected 1878 ; Hugh Buckley, January 3, 1881 ; E. D. Sawyer, January 2, 1883 ; Charles C. Dewstoe, January 5, 1885 ; E. D. Sawyer, January, 1887, re-elected 1888, and is the present incumbent.

BAR BIOGRAPHIES.

The great aim in the preparation of the following brief biographical sketches has been to sum up the legal life-work of at least the best known and most prominent members of the Cleveland bar into such compass as should give only main features, and keep clear of all flattery, adulation, and comparisons of one with the other, or of any as against the rest. Such as have achieved fame do not need special pages here to record that fact ; such as have not yet achieved it, but are on the fair road thereto, do not need any encouragement that could be here given. So far as we have been able to secure the life-records of the members of the present bar, we have done so, and had set out with the intention of making it complete in that respect ; and so far as we have not done that, the members of the bar are themselves to blame, for certainly all possible effort upon the part of the editors has been made. Repeated calls and repeated applications for data have been made, in many cases, in vain ; until we have been compelled to go to press without being able to say, in the technical meaning of the phrase, that our Biographical Directory is complete, although it is, in the general meaning of the term.

The lives and records of many of the leaders of the Cleveland bar, who have already passed into history, are treated fully in the pages that precede—among whom may be enumerated such men as Governor Huntington, Alfred Kelly, Samuel Cowles, Reuben Wood, John W. Allen, S. J. Andrews, John W. Willey, Samuel Williamson,

Samuel Starkweather, R. F. Paine, R. P. Spalding, and others proper to name in the same great category.

HARVEY RICE was born at Conway, Massachusetts, in 1800, and graduated from Williams College in 1824, with honors. Leaving college, he moved West, and settled at Cleveland, Ohio, in 1824, where he began the study of law under Reuben Wood, and at the same time taught a classical school in the old academy on St. Clair street. In two years, he was admitted to the bar, and entered into a partnership with Reuben Wood. In 1830, he was elected to the state legislature, and was soon afterward appointed land agent for the sale of Western Reserve school lands. In 1833, returning to Cleveland, he was appointed clerk of the Common Pleas, and, in 1851, was elected by the Democratic party to the State Senate. In 1862, he was made commissioner for Cuyahoga county to conduct the first draft made in the country during the civil war—a perilous undertaking, which he successfully accomplished. Mr. Rice received the degree of LL.D. from Williams College, in 1871. He is a contributor to many of the best periodicals of the day, and has published several works of rare merit—"Nature and Culture," "Mount Vernon, and other Poems," "Sketches of Western Life," etc. Mr. Rice's efforts in behalf of popular education, in the early days, have won him enduring fame as "the father of the common school system of Ohio," as he was the author of that great measure which has done so much good. As president of the Early Settlers' Association, and for many years as chairman of the Cleveland Workhouse board, Mr. Rice has filled in the leisure of his old age.

JOHN A. FOOTE, one of the early lawyers of Cleveland, was born in New Haven, Connecticut, November 22, 1803. He was educated at Yale College, where he graduated in 1823. He studied law at Litchfield, and was there admitted to the bar, practicing in New Haven county for seven years. He took an early interest in politics, acting with the Whig party, and serving two terms in the Connecticut legislature. In 1833, he came to Cleveland, and formed a partnership with Sherlock J. Andrews and James M. Hoyt (the latter entering the firm in 1837), which continued until 1848, when Mr. Andrews was elected to the bench. In 1837, Mr. Foote was elected a member of the Ohio legislature, by the Whig party. He was a member of the city council in 1839-40, and was its president. In 1853, he was again elected, by the Whig party, a member of the State Senate. In matters of local interest, he took an active part, and aided largely in securing public favor in behalf of the Cleveland, Columbus, Cincinnati & Indianapolis, and Cleveland & Pittsburg railroads. He was a director in several railroads, and one of the trustees of the Society for Savings. In 1856, Mr. Foote was selected by Governor Chase as one of three commissioners of

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chairman of its financial and executive committees, vice-president and president; general counsel of the Cleveland & Mahoning Valley, president of the same; vice-president and president of the Indianapolis & St. Louis, etc. It was Judge Burke who conceived and carried into effect the consolidation of various weak lines into the Columbus, Hocking Valley & Toledo Railway system. He took an active part in its management, holding the position of vice-president and president, and in all the movements of that corporation he has been the financial genius, and the main-spring of energy. It was Judge Burke who conducted for William H. Vanderbilt the negotiations which resulted in the purchase of the New York, Chicago & St. Louis Railway. He is the president of the Toledo & Ohio Central and Toledo, Columbus & Cincinnati Railways; was director for years in the Cincinnati & Springfield; also in the Dayton & Michigan; the Cincinnati, Hamilton & Dayton; the Cincinnati, Hamilton & Indianapolis; the New York, Chicago & St. Louis; the Central Ontario, etc., etc. He holds, or has held, the same position in numerous important and profitable mining, manufacturing and other companies; and it is probably a fact that Judge Burke has more stock of railroads, or other corporations, standing in his name to-day than any other man in the state. He has been too busy for politics or office-holding; but not too busy to cultivate by study, reading and travel the best qualities of mind, and to do any good work, in public or private, that his hand has found to do. He is yet, as for years he has been, one of the leaders of the bar of the West, and, while he has made successful ventures into other fields of labor, the law is his main occupation and thought, as it was his first love.

JAMES M. COFFINBERRY was born on May 16, 1818, at Mansfield, Ohio, the son of Andrew Coffinberry, known then as one of the foremost lawyers and writers of the West. He received such education as the district school of his neighborhood could give, but made up the lack by extensive reading and study in later years. He entered his father's office at an early age, and was admitted to the bar in 1840, at Perrysburg, Wood county. In partnership with his father, a law office was opened at Maumee City, across the river, and he entered upon his life-work with characteristic earnestness and conspicuous success. He was soon elected prosecuting attorney of Lucas county. In 1845, he removed to Hancock county, where for ten years he practiced his profession, and at the same time edited the *Findlay Herald*. In 1855, feeling the need of an enlarged field, he removed to Cleveland, where he soon built up a large and lucrative practice. In 1861, he was elected to the Common Pleas bench of Cuyahoga county, a position held for five years, and in which he won recognition as one of the ablest and purest men who had ever been called to that office. On retiring from the bench, he again returned to the practice of law, but failing health soon compelled

him to retire therefrom. Judge Coffinberry has made his energy and ability felt in fields of usefulness other than the law. He was, during 1857 and 1858, a member of the city council of Cleveland, and during the year last named served as its president. During the war, he threw his great influence in behalf of the Union cause. He was the candidate for Congress of the Democratic party in this district upon several occasions, but upon account of its numerical minority in Cleveland in those days, was defeated. He was one of the chief advocates of the Superior street viaduct; a prime mover in the creation of the first bank in Hancock county; a corporator and stockholder of the East Cleveland street railroad; president of the West Side street railroad; and a director in the Fremont & Indianapolis Railroad, the Atlantic & Great Western Railroad, and of the Rocky River Railroad. He was a corporator and stockholder of the Savings & Trust Company, and a corporator and director of the People's Savings and Loan Association, and president of the Forest City Fire Insurance Company. Judge Coffinberry's legal partnerships, after that with his father, have been as follows: with Elijah Williams, at Findlay; and at Cleveland, with Newell S. Cozad; with Otis, Coffinberry & Wyman; Otis & Coffinberry; and Otis, Coffinberry & Adams. Judge Coffinberry is a fine orator, and as a writer has displayed qualities of the highest order.

JOHN J. ELWELL was born in Ohio, and reared and educated in the schools and colleges of the Western Reserve, and comes of Huguenot and Revolutionary ancestry. He is a graduate of the Cleveland Medical College, as well as having been admitted to the bar in 1854. He was engaged in active practice from that time until the breaking out of the civil war, in 1861, when he enlisted in the army. For four years prior to his enlistment, he was editor of the *Western Law Monthly*, and during that time wrote a work on medical jurisprudence, comprising malpractice and medical evidence, published by Baker, Voorhis & Co., of New York, which has passed through four editions, the fifth being now in preparation. He was one of the contributors to "Bouvier's Law Dictionary"—last edition—published by George W. Childs, of Philadelphia. He was once a member of the Ohio legislature, from Ashtabula county. His military service extended from 1861 to 1866, a period of nearly five years. For gallant and faithful service, he was four times brevetted, and came out of the service a brevet brigadier-general. He was badly injured just before the close of the war, and partially disabled, so that since that time he has not been able to take an active position at the Cuyahoga bar. He is one of the commissioners selected for the erection of the Cuyahoga county soldiers' and sailors' monument, and is a corresponding member of the Medical Legal Society of New York, contributing to the *North American Review*, now and then, and other magazines.

DANIEL ROSE TILDEN was born in Lebanon, Connecticut, in November, 1807. He came to Ohio in 1827, and settled in Portage county. He studied law under Judge Rufus P. Spalding, at Warren, and immediately upon his admission to the bar became a partner with his legal preceptor. Judge Spalding thereupon at once moved to Ravenna, and the legal firm was there known as Spalding & Tilden. The partnership continued until Portage county was divided, and the county of Summit was organized, when Judge Spalding removed to Akron. The partnership was thus dissolved. Mr. Tilden remained at Ravenna, and formed a partnership with W. S. C. Otis, which continued until about 1844, when Mr. Tilden was elected to Congress. He served two terms in Congress, and at the expiration thereof, removed to Cleveland, and formed his third and last partnership, with the late Judge Robert F. Paine, which continued until 1854, when Mr. Tilden was elected probate judge of Cuyahoga county. For thirty-three years he serenely, prudently and ably administered the most important judicial office in the county. He was nominated and elected eleven successive triennial terms. The widows and orphans of a generation looked with confidence to Judge Tilden for sympathy, protection and security in the hour of their bereavement and sorrow, and were never disappointed.

HENRY B. PAYNE, a long-time member of the Cleveland bar, who has attained the high position of United States Senator, was born in Hamilton, New York, and was educated in Hamilton College, at Clinton. He then commenced the study of law, and in 1833 removed to Cleveland, where he entered into partnership with the late H. V. Willson. They were admitted to the bar, in the Supreme Court, in Medina county, in 1834. He was from the first a prominent figure in local affairs, and was often called upon to occupy positions of public trust. He was a member of the city council; was the first president of the Cleveland & Columbus Railroad Company; a member of the first city board of waterworks commissioners; held the office of city clerk; and was elected to the State Senate in 1849. In 1851, he was the Democratic nominee for United States Senator, and, after long balloting, was beaten by Ben. Wade, by one vote. In 1857, he made a memorable canvass against Salmon P. Chase, as the Democratic candidate for governor of Ohio, and was beaten by only a few hundred votes. He was a Cass elector in 1848, and was a member of the convention that nominated James Buchanan, eight years later. In 1860, he was a delegate to the memorable Charleston convention, and reported the minority resolutions that were adopted upon that occasion. He was a Union man all through the war, and did all he could to raise regiments and send them into the field. He was a member of the convention that nominated Greeley, in 1872, and was chairman of the Ohio delegation. He was elected to Congress from the Cleveland district in 1874, and while in Congress served

as a member of the Hayes-Tilden electoral commission. He was one of the leading candidates for the Democratic nomination for president in 1880; and in the Winter of 1883-4 he was elected to the United States Senate, and is now serving that term.

MORTIMER D. LEGGETT, who, as an educator, as a soldier, and in the fields of the law, has won honor and fame, was born on a farm near Ithaca, New York, April 19, 1821, and removed, with his father, in 1836, to Montville, Geauga county, Ohio, where he assisted with the farm work, spending his leisure time in study, under the instruction of his parents and sister, until he was eighteen years old. He then attended teachers' seminary, at Kirtland, graduating from there and becoming himself a teacher. During this time, he had taken up the study of law, and was admitted to the bar in 1844. For many years he deeply interested himself in free common schools of the state, and in the Fall of 1846 went to Akron and organized the first system of free graded schools ever established west of the Allegheny mountains, under what was then known as the Akron school law. He also organized the schools at Warren. In 1850, he began his practice in Warren, and in 1856-7 was professor of pleading and practice in the Ohio Law College. In the latter part of 1861, he was commissioned by Governor Dennison to organize the 78th regiment, which he soon did, himself enlisting as a private. He raised 1,040 men, of whom he was commander, in every position from second lieutenant to colonel. On the 16th of May, 1862, while in command in the advance on Corinth, he had one horse killed under him, and another wounded, but escaped unhurt. For conduct in that engagement he was commissioned a brigadier-general. During the siege of Vicksburg, he was badly wounded, but his brigade was designated to first enter Vicksburg and erect its flags, and he rode at the head of his column, and was soon after placed in command of the post, being brevetted major-general. He was, later, promoted to a full major-general. At the close of the war, he returned to Zanesville, and was soon offered, and accepted, the position of commissioner of patents under President Grant, holding the office four years. He then resigned and came to Cleveland, where he engaged in the practice of patent law, building up a large practice, and becoming known as one of the leading patent lawyers of America. He has also been connected with other interests in connection with the city's business development and growth, and has found himself as useful in the ways of peace as he was brave in the fields of war.

JARVIS M. ADAMS was born in Whitehall, Washington county, New York, August 26, 1827. He attended district school until he was eighteen years of age, when he entered Castleton seminary, Vermont, where he prepared for college, and graduated from Williams in the Fall of 1851. He studied law two years with Hon. Joseph Pot-

ter, of Whitehall, and was admitted to the bar at Plattsburg, New York, in July, 1853. He came immediately to Cleveland, where he was met by the law requiring a residence of one year before permission could be granted to practice. He took charge of an academy at Atwater for six months, and spent the succeeding six as deputy clerk in the Cuyahoga Common Pleas. In the early part of 1855, he commenced the career of active practice which has been continued until to-day. The legal firms with which he has been successively connected are as follows: Adams & Canfield; Otis, Coffinberry & Adams; Otis & Adams; Otiš, Adams & Russell; Adams & Russell, and Adams & Hotze. Mr. Adams' practice, of late years, has been largely in railroad law. He has been counsel for several important companies, and has been employed in a number of important foreclosure proceedings, of which he has had responsible control, and where great interests were safely reposed in his judgment and knowledge of law. In October, 1881, he consented to assume a responsibility not exactly in the line of his life labors—the presidency of the New York, Pennsylvania & Ohio Railroad, which he held for some time.

WASHINGTON W. BOYNTON. Mr. Lewis D. Boynton, the father of the subject of this sketch, emigrated to Ohio from Maine in 1826, and settled upon a farm in Russia township, Lorain county, in which county he resided until his death. It was upon this farm that Washington W. Boynton was born, January 27, 1833. Here he spent the earlier years of his life, forced to content himself with such advantages as the common school provided. By close application, however, maturity found him well advanced in scholarship. For several Winters he taught school, and thereafter a select school, in the meantime taking up the study of law. Mr. Boynton was, for a number of years, about this time, a member of the board of school examiners of Lorain county, continuing for a considerable time in this capacity after his admission to the bar, which occurred in 1856. Success began at once to reward his efforts, and his practice increased rapidly from the start. In 1859, he was appointed to fill a vacancy in the office of prosecuting attorney of Lorain county, and was re-elected to the same office twice in succession. In the Fall of 1863, he resigned the office on account of ill-health, and took a trip to Minnesota. Returning to Elyria, he opened a law office, and soon found himself in the midst of an extensive and lucrative practice. In 1865, he was elected to represent Lorain county in the legislature. Two years later, he was the unanimous choice of his party for re-election, but declined to run, and resumed his practice. While a member of the legislature, Mr. Boynton introduced a resolution proposing an amendment to the constitution, striking the word "white" from the clause relative to the election franchise. The stormy debate which followed aroused such a sentiment throughout the state that a similar resolution was introduced and passed in the Senate, and finally in

the House, and submitted to the people. The amendment was lost, but was soon followed by an amendment to the Federal constitution, which forever put an end to the question. In February, 1869, Mr. Boynton was appointed by Governor Hayes to the Common Pleas bench of Lorain, Medina and Summit counties, upon the resignation of Judge S. Burke. At the ensuing Fall election, he was elected to fill the vacancy, and two years afterwards was re-elected for the full term. As judge of the Common Pleas Court he won distinction, and was recognized as belonging to the front rank of the legal profession of the state. In 1876, he was elected judge of the Supreme Court of the state, which position he held until November, 1881, when he resigned on account of ill-health and the arduous duties of the position, and went abroad for a few months. On his return, he declined to be a candidate for re-nomination, and soon after came to Cleveland and opened a law office. His practice sprang up quickly, and rapidly increased, so that in September, 1883, he invited Judge Hale into partnership with him. Judge Hale was then on the Common Pleas bench of Lorain county, which position he took upon Judge Boynton's election to the Supreme Court. Judge Hale decided to accept the proposition, and resigned and formed the firm of Boynton & Hale, which continued in business until January, 1888, when Mr. Horr was admitted as a third member.

JOEL W. TYLER was born in Portage county, Ohio, in 1823. He received a classical education at Western Reserve College, and was engaged for several years in teaching. He studied law two years with Mr. Wheaton, of Hudson, and one year afterward with Tilden & Ranney, in Ravenna. He was admitted to the bar at Ravenna, and began practice in Garrettsville, in 1846 or 1847. In 1850, he removed to Kent, Ohio, and there became connected with the Atlantic & Great Western Railroad, for which he was attorney for many years. In 1856, he removed to Mansfield, where he resided until 1858, when he removed to Warren, forming a law partnership with Judge Birchard. In 1860, he became probate judge of Trumbull county, being re-elected the following term, but resigning in favor of Judge Youmans on his return from the army. He resumed his former position as attorney for the Atlantic & Great Western, removing to Cleveland in 1865. After the foreclosure of this road, Judge Tyler accepted the same position for the Cleveland & Tuscarawas Railway. He has always enjoyed a large and lucrative private practice.

CHARLES C. BALDWIN, a judge of the Circuit Court of the eighth judicial district of Ohio, was born December 2nd, 1834, at Middletown, Connecticut. When five months old, his parents removed to Elyria, Ohio, where, and at Meriden, Connecticut, he went to school until he was fourteen. He then went to boarding school at Middle-



Carlos M. Stone.

town, and at sixteen he entered Wesleyan University at that place, graduating in August, 1855. He at once went into Harvard Law School, taking the degree of LL. B., and graduating in 1857. He then came to Cleveland in March of that year, and entered the office of S. B. & F. J. Prentiss, being admitted to practice in October, 1857. He at once entered upon a career as advocate and jurist that has been as honorable as it has been successful. In 1884, he was supported by the Cleveland bar, with little regard for politics, for the office of judge of the Circuit bench, and was elected, serving for a time as presiding judge of that court. Upon the expiration of his term, he was promptly re-elected. He has also been active in other lines of public labor, having served as a director in the First National Bank, the Broadway Savings & Loan Company, the East End Savings Bank, a director and vice-president of the Cleveland Linseed Oil Works, president of the Cleveland Board of Fire Underwriters. He was long since recognized as one of the leading historical students and writers of the West, and, as a member of the Western Reserve Historical Society, has been of invaluable aid in the preservation of local and Indian history. He served for years as its secretary, and, upon the death of Col. Whittlesey, was made its president.

HENRY MCKINNEY was born in Canfield, Ohio, October 9, 1828. He was educated at Western Reserve Seminary, at Farmington, Trumbull county, Ohio, and at Twinsburg Institute, at Twinsburg, Ohio. He read law two years with Judge J. W. Tyler, and one year with the late Judge S. W. McClure; was admitted to the bar in 1850, and immediately formed a partnership with his former tutor, Judge McClure, which continued for fifteen years. Upon the dissolution of this partnership he became associated with Judge N. D. Tibbals, at Akron, the partnership continuing for eight years. This partnership was dissolved in the Spring of 1873, when Mr. McKinney returned to Cleveland, and practiced law in connection with Judge Tyler and A. C. Caskey. While a resident of Akron, Mr. McKinney was elected prosecuting attorney of Summit county, in 1856, and again in 1858. During this time, he was also a member of the State Senate, from the district composed of Summit and Portage counties. Mr. McKinney went on a trip to Europe in the Spring of 1880, and on his return found himself one of the judges of the Court of Common Pleas, having been elected during his absence. He filled the position with such ability and credit during this five years' term that he was re-elected at its expiration, and served nearly three years of his second term, when he resigned to become a member of the firm of Ranneys & McKinney, which still exists, and is composed of Messrs. Henry C. and John R. Ranney and Henry McKinney.

MYRON R. KEITH was born in Herkimer county, New York, in 1819. He received his education in the public schools and at Oneida Institute. In early life, he

removed to Ohio, where he studied law in Cleveland, with Edward Wade. He was admitted to the bar in 1842, and began an active practice with Harvey Rice, which continued until 1847, when he was appointed clerk of the Court of Common Pleas of Lorain county, Ohio. He held this position until 1852, when he resigned, and resumed the practice of law in Cleveland, where he has since had a successful practice. In 1867, he was appointed register in the Bankruptcy Courts of the Northern District of Ohio, which office he held until the repeal of the bankruptcy law, in 1878.

JAMES M. JONES came to this country, with his parents, from Herefordshire, England, in the Spring of 1831, and with them settled in Cleveland, when it was but a village of a few hundred inhabitants. His early education was obtained in the common schools of Cleveland, finishing his studies in the classical academy of W. D. Beattie, A. M. After leaving school, he engaged in business a short time, and afterwards worked in the post-office and at other occupations. He studied law to some extent before entering upon a regular course, finishing with the late Charles Stetson and Wm. Collins. He was admitted to the bar in June, 1855, and almost at once stepped into a good practice. In 1857, he was nominated for police judge, but was defeated by the late Judge I. C. Vail. In 1865, he became attorney for the Western Union Telegraph Company, and, in 1867, was elected county prosecuting attorney. In 1873, Mr. Jones received the nomination by both political parties as one of the three judges of the Superior Court of Cleveland, to which position he was elected without opposition, for the term of five years. This court, however, ceased to exist, in July, 1875. In October of the same year, four additional judges having been provided by law for the Common Pleas Court, Judge Jones was elected one of them, serving out the term of five years. In November, 1880, he resumed the practice of law. One year later, upon the retirement of Judge Prentiss from the Common Pleas bench, Judge Jones was again elected for another five years, retiring from that position in January, 1887. He is now engaged in the practice of law, in the city of Cleveland.

JONATHAN E. INGERSOLL was born in Lee, Berkshire county, Massachusetts, November 16, 1827. His father soon removed his family to near Rochester, New York, where eight years of the judge's early education was obtained. In 1840, he was sent to college at Oberlin, spending five years in that institution, graduating in 1845. He taught school in the neighborhood of Rochester for two years, and at Conneaut, four years more. While so doing, he studied medicine, both at Conneaut and Hudson. He graduated from the Western Reserve Medical College, in February, 1853. In the Fall of that year, Mr. Ingersoll began studying law with Bolton & Kelley, and was admitted to the bar in October, 1855. In 1862, during the hottest of the

war, word came north that Ohio soldiers were suffering from want of proper treatment in Memphis hospital. Dr. Ingersoll, as he was then, volunteered his services as physician, and was gladly accepted by Governor Brough, who gave him a special commission. He was thirty days before Petersburg, during the siege of that city. Upon the resignation of Judge Williamson, in September, 1882, Governor Foster appointed Mr. Ingersoll to fill the unexpired term, in which capacity he served until relieved by the election of E. J. Blandin, in October of the year following. After vacating this position, he associated himself with Messrs. Burke and Sanders, under the firm name of Burke, Ingersoll & Sanders, with which he was connected till Mr. Sanders was appointed judge. Since then, the firm has been Burke & Ingersoll.

JAMES M. HOYT was born in Utica, New York, January 16, 1815; is a graduate of Hamilton College, Clinton, New York. He studied law with Noyes & Tracy, of Utica, and in the office of Andrews & Foot, of this city. His connection with the Cleveland bar dates from March, 1837. In 1870, he was the member for Cuyahoga county of the state board of equalization, having the same constituency as the State Senate. In 1873, he was a member of the board of public improvements of Cleveland, and for many years was president of several state and national religious societies. From March, 1837, he was a partner of Sherlock J. Andrews and John A. Foot, of the firm of Andrews, Foot & Hoyt, until Mr. Andrews was elected judge, when the firm became Foot & Hoyt, continuing until 1853. Of late years, Mr. Hoyt has devoted his attention almost exclusively to real estate business, with his son as his assistant.

JOHN HUTCHINS was born in Vienna, Trumbull county, Ohio, July 25, 1812. Until he was twenty years of age, he received his education at the public schools. He was then placed under a private tutor, subsequently entering the preparatory department of the Western Reserve College. He began the study of law in 1835, in the office of Governor David Tod, in Warren, and was admitted in 1838, at New Lisbon. In 1839, he was clerk of the court of Trumbull county, serving in that capacity five years, when he resigned, and became a member of the firm of Tod, Hoffman & Hutchins. He removed to Cleveland in 1868, and was associated with some of the best lawyers of the city as partner. He was a member of the state legislature in 1849-50, and a member of the constitutional convention of 1851. In 1858, he was elected to Congress, as the successor of Joshua R. Giddings, and in 1860 re-elected to the same position. He took an active part in measures for the prosecution of the war, and the abolition of slavery. He is now, and has been for several years, engaged in general law practice in Cleveland, with his son, John C. Hutchins, late judge of the Police Court. Mr. Hutchins is also engaged in writing an able and entertaining history of the two great War Congresses, in which he took an able and honorable part.

JOHN C. HALE was born at Oxford, N. H., March 3rd, 1831. He went through the common schools of that place, and at nineteen fitted for college. He graduated from Dartmouth in the class of 1857, and came to Cleveland immediately thereafter. He taught in the Cleveland public schools three years, and then began the study of law in the office of Judge Prentiss. Admitted to practice in July, 1861, he removed to Elyria, where he at once stepped into a large and lucrative practice. Within two years after locating in Elyria, he was elected county prosecuting attorney, which office he held six years. During this time he was also register in bankruptcy for that congressional district. He was a member of the constitutional convention of 1872; member of the village council and board of education. February 8th, 1877, he ascended the Common Pleas bench of Lorain county, having been elected the Fall preceding. At the expiration of his first term, he was re-elected, and after serving a year and a half, business inducements in Cleveland led him to resign his seat on the Lorain county bench, and form a partnership with Judge Boynton, of this city, which still exists.

MOSES R. DICKEY was born November 4th, 1827, near Mansfield, in Richland county, Ohio. His education for many years was as he could get it, by working on the farm during the Summer, and attending school in Winter. It was while thus engaged that war was declared between the United States and Mexico, and, dropping his farming utensils and his school books, young Dickey, then but nineteen years of age, enlisted for the war in May, 1846. The term of service was for one year, but he served for fourteen months. He enlisted as a private, and served as such throughout his term. After his discharge, he returned to his home in Richland county, where he resumed his studies, teaching in Winter to assist in obtaining his education. He attended Haysville Academy and Ohio Wesleyan University, as opportunity afforded, until February, 1849, when he, with many other people of those days, was seized with the "gold fever," and, with a small company of emigrants, made the trip across the Rockies, and into the state of the Golden Gate, with ox teams, making almost the entire journey on foot. The venture did not prove successful, and, after two years of cruising about, which included a disastrous voyage to Central America, Mr. Dickey returned to Mansfield in September, 1851. Between teaching school and attending himself, he spent three years more, when he began reading law with Messrs. Brinkerhoff & Geddes. He was admitted to the bar in August, 1856, and practiced at his home in Mansfield, until April, 1861. Then the war of the rebellion broke out, and, leaving his law books and his practice, Mr. Dickey again sprang to arms, and again was he found on the right side. He was elected captain of his company, and was commissioned lieutenant-colonel in the three months' service. On August 7th, 1861,

he received a colonel's commission, having meantime re-enlisted for another three years, or until the close of the war. He served as colonel of the 15th Ohio infantry until the latter part of 1862, when he was compelled to resign on account of ill health. After spending about a year in recuperating his health, he again commenced the practice of law in Mansfield. In this he was very successful, and, in the Fall of 1876, was elected Common Pleas judge of Richland county. At the close of his term, Judge Dickey was re-elected to the bench, in 1881, and was occupying that position when, in February, 1882, business inducements in Cleveland led him to resign his position on the bench, and remove to this city. In March of that year, Judge Dickey became a member of the law firm of Estep, Dickey & Squire, in which connection he remained until 1890, when Mr. Squire retired from, and Messrs. Carr and Goff entered the firm, which is now known as Estep, Dickey, Carr & Goff.

SAMUEL B. PRENTISS, an ex-judge of the Cuyahoga Common Pleas Court, was born in Montpelier, Vermont, January 23, 1807, and is the son of Samuel Prentiss, formerly chief-justice of the Supreme Court of Vermont, and afterwards member of the United States Senate for twelve years, when he became United States judge for the judicial district in which he lived, holding the position until his death, in 1857. At the age of fifteen he entered the Vermont University, remaining there until that institution burned down in 1824, when he began to study law with his father. He was admitted to the bar in 1828, and practiced for several years in his native state. In 1840, he came to Cleveland and opened an office, where his known abilities soon brought him a lucrative business. He was an active practitioner for twenty-seven years, in this city, and in February, 1867, he ascended the Common Pleas bench, where he continued to sit for three consecutive terms, of five years each, filling the position with great credit to himself and usefulness to the community. Upon his retirement from the bench, he retired also from professional life.

MARTIN WELKER was born in Knox county, Ohio, on April 25, 1819. His early education was received in one of the common schools of the day, in a log school house, and at the age of fourteen he began to clerk in a neighboring store. At the age of eighteen, he entered upon the study of law, at Millersburg, Holmes county, at the same time carrying on his studies in other directions. At the age of twenty-one, he was admitted to the bar, and commenced practice in partnership with his preceptor. In 1846, he was appointed clerk of the Common Pleas of Holmes county, but at the expiration of five of the seven years for which he was appointed he resigned, and returned to practice. His life henceforth was a conspicuous and busy one. In 1848, he was the nominee of the Whigs of his district for Congress, and as the district was largely

Democratic, was not elected. When only ten years in practice, was elected Common Pleas judge of the sixth district of Ohio, under the new constitution of 1851, and served full term of five years. In 1857, he was the nominee of the Ohio Republicans for lieutenant-governor, upon the ticket with Salmon P. Chase, and was elected. He declined a renomination. On the breaking out of the rebellion, he was appointed major on the staff of General J. D. Cox, and served with the three months' volunteers. He was afterwards appointed aid-de-camp to the governor, and acted as judge-advocate general of the state until the close of Governor Dennison's term. In 1862, he was appointed assistant adjutant-general of the state, and superintended the Ohio drafts for that year. While in this work, he was nominated for Congress by the Republicans of his district, then the fourteenth Ohio, and was defeated; was again nominated in 1864, and elected; re-elected in 1866, and again in 1868. He served on some of the most important committees, and made an honorable record. In 1873, President Grant gave high recognition to Judge Welker's abilities, by appointing him district judge of the United States for the northern district of Ohio. He served as such until the Summer of 1889, when he retired from active duty, because of age, having made a record for purity and ability that places him in the front rank of the jurists of the West. The degree of LL. D. was conferred on him a few years ago by the Wooster University. He now resides at Wooster.

F. J. DICKMAN was born in Petersburg, Virginia. He prepared for college at the Petersburg classical institute, and entered the junior class of Brown University, where he was graduated with the salutatory honors of his class. He began the study of law with the late Chief-Justice Bradley, of Rhode Island, and the late Charles F. Tillinghast, of Rhode Island. He was admitted to practice law at the bar of that state, and, in 1857, was nominated by the Democratic party for attorney-general. In 1858, he was made a member of the board of visitors to West Point, and was made secretary of the board. In December, 1858, he removed to Cleveland, and entered the bar of Cuyahoga county. In 1861, he was elected to the Ohio legislature from Cuyahoga county, by the Union party. In November, 1863, he formed a law partnership with Judge R. P. Spalding, which lasted until May, 1875. In March, 1867, he was appointed, by President Johnson, United States district attorney for the northern district of Ohio, and resigned that office in 1869. In 1883, he was appointed, by Governor Foster, a member of the Ohio Supreme Court Commission, and served for two years, until the commission terminated. In 1886, he was appointed, by Governor Foraker, a judge of the Supreme Court of Ohio. In the following year, he was nominated, by the Republican state convention, for judge of the Supreme Court of Ohio, for the unexpired term of Judge W. W. Johnson, and elected. In

June, 1889, Judge Dickman was renominated, by acclamation of the Republican state convention, for judge of the Supreme Court of Ohio, and again elected.

JAMES D. CLEVELAND was born in Madison, New York, September 15, 1822. His ancestors, on both sides, were of high reputation in the civil, military and ecclesiastical history of this country. He was educated at Utica Academy, New York, and in a classical school in Cleveland, taught by the Hon. F. T. Backus, a Yale graduate of 1836. At this school, many of the professional men of Cleveland laid the foundation of future usefulness, and Judge Cleveland was one of the most noteworthy among them. He began the study of law in 1839, and was admitted to the bar in 1843. Then he spent two years in the South, after which time he returned to Cleveland, and formed a law partnership with F. W. Bingham. Mr. Cleveland was soon thereafter made city clerk, and was, the same year, elected justice of the peace, which office he filled until 1852, when he was elected clerk of the Court of Common Pleas. He remained in this position three years, when he accepted the associate editorship of the Cleveland *Plain Dealer*, continuing in this capacity until 1858, from which time until 1867 he was assistant clerk of the United States Court. In 1869, he was elected judge of the Police Court. After the expiration of one term in that office, he returned to his practice, to which he has since exclusively devoted himself, with unusual success.

DARIUS CADWELL was born at Andover, Ashtabula county, Ohio, April 13, 1821, his parents having come from Connecticut, in 1817, and locating at Andover. Here he grew to the age of seventeen, having only the advantages of a country school, when he was sent to select school for two terms, with Rev. George Roberts, and, in 1841, one term at Allegheny College. Then he taught five terms of district school. In 1842, he commenced the study of law, while teaching, at Jefferson, with Hon. B. F. Wade and R. P. Ranney, and was admitted to practice in September, 1844, by the Supreme Court. He was deputy county clerk, at Jefferson, for two years, and afterward associated himself with Charles S. Simonds, in the practice of law, with whom he remained twenty-five years, when he removed to Cleveland. In October, 1873, he was elected judge of the Common Pleas Court of this county, serving two terms, at the close of which he resumed his practice. In 1862, he was tendered a captain's commission in the regular army, but declined, and at the formation of the provost marshal-general's bureau, in the Spring of 1863, he was appointed, by President Lincoln, captain and provost marshal of the nineteenth district of Ohio, which office he held until the close of the war, when he was mustered out and honorably discharged, December 18, 1865. Other offices he has held are: census agent, in 1850, in Ashtabula county; state

representative, in 1855-56, from Ashtabula county; state senator, in 1857-58, from the district composed of Lake, Geauga and Ashtabula counties; besides judge of the Common Pleas Court of Cuyahoga county, from February, 1874, to February, 1884.

LOREN PRENTISS was born at Warrensville, Ohio, on August 12, 1822. He was educated in the public schools, mainly those of Cleveland, and his legal education commenced in the office of Bishop & Backus, where he remained three years. He was admitted to the bar in 1846, and has been in active practice ever since. His first law partner was Hon. Samuel Cowles, deceased, the brother of Edwin Cowles, editor of the Cleveland *Leader*. This partnership continued for a little over three years, soon after which Mr. Cowles removed to San Francisco, where he occupied a very honorable place in the profession, as well as upon the bench. Mr. Prentiss' next law partner was Mr. Salmon B. Axtell, from about 1854 to 1857. His next partner was C. M. Vorce, the firm of Prentiss & Vorce being formed in 1867, and continuing to the present time. Mr. Prentiss held the office of prosecuting attorney from 1858 to 1860, but has never had a taste for office, nor a desire for public position. He is distinguished for good judgment, clearness and thoroughness, both as an adviser and an advocate; and these qualities in the preparation and trial of cases have given him a very fair measure of success at the bar. He gave much time and care for many years to the establishing of the Cleveland Bethel Union and its missionary work, and also in the planning and developing of its broad and efficient charitable work.

JOHN W. HEISLEY was born at Williamsport, Lycoming county, Pennsylvania, February 16, 1824, where his youth and early manhood was passed. In 1848, he graduated from Dickinson College, Pennsylvania, and began the study of law. He was admitted to the bar of Pennsylvania, at Williamsport, in 1849, and immediately began practice, succeeding in a short time to a fair business. His mind was full and comprehensive, and the limited opportunities of his native place not affording a proper field for its exercise, he came to Cleveland, in 1854, where he soon took rank among the leaders of his profession, with a fruitful clientage. Being a fluent German scholar, he had great advantage among the German-speaking portion of Cleveland citizens. He early took an active part in politics, and is recognized as one of the strongest Democratic stump speakers in the state. In 1857, Mr. Heisley was elected city attorney of Cleveland, which position he filled two years. At the Democratic state convention, in Columbus, in 1877, he was the unanimous choice of the Cuyahoga delegation, as the candidate of the party for governor, and though not receiving the nomination, his friends had no reason to complain of the favor with which his name was received. Again, in 1883, he received nearly half the votes of the Democratic

state convention, as the candidate for Supreme judge. In the same year, he was nominated by his party for Common Pleas judge, and, at the October election following, was elected to that office. His term on the bench has just expired, and, in leaving it, Judge Heisley carried with him the unanimous good-will of the bar. One distinguished jurist and author says of him: "One of the distinguishing characteristics of Mr. Heisley, as a judge, is the rare quality of ignoring all mere forms and ceremonies, without the sacrifice of real official dignity, which makes him universally approachable without the suspicion of partiality."

RICHARD C. PARSONS was born October 16, 1826, at New London, Connecticut, of prominent Puritan ancestry. Having received a liberal education, he began the study of law in 1845. Shortly thereafter, he came to Ohio, and was admitted to the Cuyahoga bar in 1851. He was elected to the city council in 1852, and in the Spring of the following year was made president of that body. In 1857, he was elected to the legislature, as a member of the newly-formed Republican party, and was re-elected in 1859, being chosen speaker of the House of Representatives. When President Lincoln took his office, Mr. Parsons was appointed minister to Chili, which place he declined, and accepted the place of consul to Rio de Janiero, remaining in that capacity one year, when he resigned, and was appointed collector of internal revenue at Cleveland, and, still later, marshal of the Supreme Court of the United States, holding that position from 1866 to 1872. In the latter year, Mr. Parsons was elected to Congress, from the Cleveland district, and was directly instrumental in securing the life-saving service at this port, the light-house for the government pier, and the commencement of the work of building the Cleveland breakwater. From 1877 to 1880, he was editor and principal owner of the Cleveland *Herald*. He was thought to be the leading candidate for comptroller of the currency, under the new administration of President Harrison, but, through the great pressure of applicants for federal positions, he failed of appointment. For several years last past, he held the position of bank examiner, which he filled with great credit to himself and the government. He is now engaged in practice in Cleveland.

GERSHOM M. BARBER was born in Groton, Cayuga county, New York, on October 2, 1823; was fitted for college at Norwalk Seminary, and by private study. He spent 1846 and 1847 in Western Reserve College, and the two following years in Michigan University, Ann Arbor, and graduated in 1850; was principal of Baldwin Institute, Berea, Ohio, 1852 and 1853. He studied law under Hon. S. B. Prentiss, and was admitted to the bar in Norwalk, Ohio, in 1857. He won an honorable distinction in the Union army, serving for three years; as captain of the fifth independent company,

Ohio sharp-shooters; commander of first battalion, Ohio sharp-shooters; lieutenant-colonel of the 197th Ohio volunteer infantry; and was made a brevet colonel and a brevet brigadier-general. During the years 1872 and 1873, he served as department commander of the Grand Army of the Republic for Ohio. After the war, he followed the general practice of the law, in Cleveland, until 1873, when he was elected judge of the Superior Court, in which he served from July, 1873, to July, 1875. He was elected judge of the Court of Common Pleas in the year last named, serving from November, 1875, to November, 1885, when he again resumed active practice. Judge Barber was in partnership with W. W. Andrews, from 1869 to 1873.

EDWIN T. HAMILTON was born in Newburg, this county, July 13, 1830. After receiving a common school education in Newburg, entered Allegheny College, at Meadville, Pennsylvania, and early in life imbibing a taste for the law, decided upon adopting it as his profession. After a due course of study, he was admitted to the bar, at Painesville, in 1854. In the same year, Mr. Hamilton located, in the practice of his profession, at Ottumwa, Iowa. On account of sickness, however, he remained there but a few months, when he came to Cleveland, and speedily established himself in what became a large and lucrative practice. In 1862, during the war of the Rebellion, he took up arms in defense of the Union, by enlisting as a private, in company D, 84th Ohio volunteer infantry. In 1873, Newburg having been incorporated with the city of Cleveland, as the 18th ward, Mr. Hamilton was one of the first two elected from that ward as members of the city council. In 1875, he was elected judge of the Court of Common Pleas, and, in 1880, was re-elected as his own successor, and is now occupying the Common Pleas bench for the third term, having been again re-elected in 1885, and again in 1889, for the term expiring in 1895. Judge Hamilton has been a member of the Republican party since its organization, but his usefulness as a judge precludes a great degree of activity as a politician. He takes front rank among the judiciary of the state, and enjoys the confidence and esteem of his brother jurists, who frequently consult him upon intricate law points.

AUGUSTUS J. RICKS was born near Massillon, Ohio, February 10, 1843; was educated at public school at Massillon, graduating at high school; entered Kenyon College, Ohio, in June, 1861. He left college at the end of the first year, intending to enlist as a private soldier, but received a commission as first lieutenant, and recruited fifty-three men in the city of Massillon, with the aid of some of the leading citizens. He was then elected captain of his company, but declined to serve as such, owing to his youth. They were mustered in as company E, 104th Ohio volunteer infantry, under Colonel James W. Reilly. He served in Kentucky from 1862 to 1863,

when he joined Burnside's expedition to East Tennessee. Immediately upon entering Knoxville, he was made post adjutant, and there formed an attachment for the city of Knoxville, which resulted in his subsequent location in that city. He served with Burnside in East Tennessee, at the capture of Cumberland Gap, the siege of Knoxville, and the operations of that army during the Winter of 1863-64. In January, 1864, he was detailed on the staff of Brigadier-general Milo S. Hascall, commanding the second division, 23d army corps, and in this position served with that corps through the Atlanta campaign, from May to September, 1864. In June, 1865, he served as aid-de-camp on the staff of Major-general J. D. Cox, of the 23d army corps, in North Carolina. In April, 1865, was appointed captain and aid-de-camp, but foreseeing the early termination of the war, declined to be mustered. He returned to his home at Massillon, and began reading law, and in September, 1865, went to Knoxville, and there finished reading law in the office of the late Judge John Baxter, of the United States Circuit Court. In the Spring of 1866, he became a partner in the firm of Baxter, Champion & Ricks, which for five years was one of the leading law firms of the State of Tennessee. In 1870, he became one of the founders of the Knoxville *Daily Chronicle*, the only Republican paper then published in the entire Southern States, outside of Louisville. He continued as one of the editors and proprietors until September, 1875, when he sold out his interest to Parson Brownlow. Returned to Massillon, where he resumed the practice of law with Judge Anson Pease. He was engaged in practice when he was appointed clerk of the United States Circuit Court, in March, 1878, by Judge Baxter, and continued in such capacity until his promotion to judge. In June, 1886, he was appointed clerk of the District Court, also, by Judge Welker. While serving as clerk, he has done all the work of master in chancery for this district. Captain Ricks was appointed to the vacancy caused by the retirement of Judge Welker, of the United States District Court, in the Summer of 1889, as briefly related elsewhere.

HENRY C. RANNEY is a member of a family which, for many years, has held merited distinction in legal circles of Ohio. He was born on June 1, 1829, in Freedom, Portage county, Ohio. His father, Elijah W. Ranney, was the eldest brother of Judge R. P. Ranney, the recognized Nestor of the Cleveland bar, and the late John L. Ranney, a distinguished lawyer, of Ravenna, Ohio. His father died in 1836, when Henry was but six years old, and he was adopted into the family of Hon. R. P. Ranney, who was then a rising young lawyer, of Jefferson, Ohio. He was at once placed in school, and given a good education. He then entered the law office of his uncle Rufus, began the study of law, was admitted to the bar in 1852, and immediately entered into practice, at Warren, in the office with Judge Birchard. He was after-

wards associated with his uncle, John L. Ranney, at Ravenna, with whom he remained until the death of the latter. In 1874, Mr. Ranney came to Cleveland, and entered into partnership with his uncle, Rufus P. Ranney, and his son, John R., and is now a member of the firm of Ranneys & McKinney. In 1862, he was appointed, by the secretary of war, assistant adjutant-general of volunteers, and assigned to duty on the staff of General E. B. Taylor, commanding the first brigade, third division, fifth army corps, of the army of the Potomac. This position he held about a year, during which time he participated in the battles of Fredericksburg and Chancellorsville. He then resigned, and resumed his practice, devoting himself assiduously thereto ever since. He has never sought nor held a public salaried office of any kind, though he has been on several occasions urgently sought to accept the nomination for judge of the Court of Common Pleas of this county.

HENRY CLAY WHITE was born February 23, 1839, in Newburg township, Cuyahoga county, Ohio. When four years old, his father died, and in a short time he found himself without a home. Being of an industrious turn of mind, however, he accepted the first thing that came in his way, and, until he was nineteen years of age, occupied his time in teaming, farming, and such work as he could get to do. He spent a short time at Western Reserve Eclectic Institute, defraying his expenses by a few dollars he had carefully hoarded for the occasion. The year 1853 found him driving a team on the Ohio canal. There he continued for four years, saving what money he could, at the end of which time he was enabled to return to the Western Reserve Eclectic Institute, remaining four years, under the tuition of James A. Garfield, who was then principal of the institution. From Hiram he went to Ann Arbor, and studied in the law department until 1862, when he graduated with high honors. Returning at once to Cleveland, he was admitted to the bar, but being without funds to carry him over the initial period of practice, he accepted a position in the office of the county clerk, where he remained ten years. By this time, he was well equipped for his profession, and grappled with it so successfully that in a short time he ranked among the best lawyers of the county. He conducted a general law practice, until the Fall of 1887, when he was elected Probate judge, which office he now holds, giving daily evidence of becoming a most worthy successor of Judge Tilden, who held the office thirty-three years without interruption. Mr. White takes great interest in historical studies and general literature, and has delivered a number of able addresses upon these themes.

JAMES WADE, the son of Dr. James Wade and Sally Mulford Wade, was born at Niskayuna, Schenectady county, New York, January 28, 1824. He attended the Schenectady Lyceum, Jonesville Academy, and the Rensselaer Polytechnic Institute,

at Troy, New York, and graduated as C. E. at the last-named school, in 1842. He came to Cleveland, in August, 1843; studied law in the office of Wade & Hurlbut and Payne, Willson & Wade; was admitted to the bar at the August term, 1845, of the Supreme Court, sitting in Cuyahoga county. After being admitted, he went to Albany, New York, in the office of Gansevoort & Hill, where he remained one year, and, in 1846, returned to Cleveland, and opened an office in the Johnson block. For the first year, he assisted Hitchcock, Willson & Wade in attending to their dockets, and drawing pleadings, etc. In 1848, Mr. Wade formed a co-partnership with H. B. Payne, under the firm name of Payne & Wade, with office over the City Bank, which was located where the Perry-Payne block is now situate. The firm of Payne & Wade continued until October, 1850, when Judge Hitchcock retired from the firm of Hitchcock, Willson & Wade. In October, 1850, the firm of Willson, Wade & Wade was formed, composed of Hiram V. Willson, Edward Wade and James Wade, Jr.; office in the Weddell House block. The firm of Willson, Wade & Wade continued until after Edward Wade had been elected to Congress, and Hiram V. Willson had been appointed United States district judge for the northern district of Ohio, some time in 1854. Then the firm of Paine & Wade was formed, composed of Robert F. Paine and James Wade, which succeeded to the business of the firms of Willson, Wade & Wade, and Tilden & Paine, and continued until 1866, when Mr. Paine, after his term as United States district attorney for the northern district of Ohio, quit business for a time. While Paine was United States district attorney, James Wade was his partner, and served as his assistant, drawing all the indictments, and doing other office business. While Mr. Paine was United States attorney, the office of Paine & Wade was in the post-office building. In June, 1866, Mr. Paine retired, and James Wade opened an office at No. 3 Case building, where he is yet located.

ABRAHAM T. BREWER. On September 20, 1841, A. T. Brewer was born at Graysville, Monroe county, Ohio. In 1848, his father having died two years before, he removed, with his mother, to Marchand, Pennsylvania, where he resided until the outbreak of the Civil war, going to school two or three months in the Winter only. At the first call for troops, Mr. Brewer enlisted in company A, 61st Pennsylvania volunteers, which history shows to have been one of the most active regiments in the entire service, standing No. 1 out of 2,000 regiments in the whole Union army for the number of officers killed; No. 11 in the list of great losses of men in any battle; and No. 15 in the list of forty-five regiments which had the greatest number of men killed during the war. At the battle of Fair Oaks, Mr. Brewer was shot through the lungs, and lay upon the bloody field for forty-eight hours before being removed for treatment. He was wounded on May 31, 1862, but rejoined his regiment in a little over

two months thereafter, and remained with it until September 11, 1864. After leaving the army, Mr. Brewer went to college, at Harlem Springs, Carroll county, Ohio, until October, 1865, when he went into the oil regions for one year, spending most of the time in New Castle. He graduated from the Ohio State and Union Law College, March 16, 1869. He was admitted to the Cuyahoga bar, and also to the United States Courts in Cleveland, the same day. He was afterwards admitted to the United States Supreme Court at Washington, in 1878. Mr. Brewer's practice has been exclusively civil, and largely corporation business. He is a director in nearly a dozen corporations, and is the attorney for about twenty insurance companies. In 1884, Mr. Brewer, assisted by G. A. Laubscher, published an extensive work on "Ohio Corporations," which has had good success, and two editions are already exhausted. The work was extensively noticed by the press, at the time of its appearance. On June 15, 1889, Harlem Springs College conferred upon Mr. Brewer the honorary degree of Doctor of Laws. Mr. Brewer is one of the few men who have never held, and never would accept, a public office of any kind.

E. J. ESTEP was born February 12, 1820, in Columbiana county, Ohio. His early education was obtained at the public school. For one year, he was under the private tutorship of a Presbyterian minister. After passing through his school studies, he took up law, studying with the late James Mason, in his office at New Lisbon. He was also engaged in the same occupation for six months in the office of the county clerk. He was admitted to the bar in 1846, and from April of that year until the Spring of 1853, he was engaged in practice in Canfield, Ohio. He then came to Cleveland, and has since remained here. Mr. Estep is one of the very few who never held a public office, and never wanted any, being entirely satisfied with the practice of his profession. How well he has succeeded in his work, the lawyers of Cleveland know as well as we can tell them. He has been associated during this time with some of the leading lawyers of the state, as follows: Eben Newton, James Mason, Reuben Hitchcock, Franklin T. Backus, Stevenson Burke, M. R. Dickey, Andrew Squire. He is now a member of the firm of Estep, Dickey, Carr & Goff.

J. K. HORD was born in Rockingham county, Virginia, June 17, 1827. He was educated in the village schools of Horner, Licking county, Ohio. After leaving school, he began the study of law in the office of J. W. Wilson, at Tiffin, Ohio, and was admitted to the bar by the Supreme Court, at Tiffin, in 1849. Here he began the practice of law, and continued until 1865, when he removed to Fremont, Ohio. In 1869, somewhat broken in health, he quit practice for a time, and spent several years in Louisiana. In 1872, he returned, and resumed active practice in Cleveland,

The following year, he formed a partnership with the late Isaac Buckingham, which continued until the death of the latter. For several years, Mr. Hord continued to practice alone, and, in 1878, formed a partnership with Messrs. J. P. Dawley and A. C. Hord, under the firm name of Hord, Dawley & Hord. This partnership was afterward dissolved, and Judge Hord has continued the practice of law alone. In 1854, he was elected probate judge for Seneca county, and served one term. In March, 1862, Mr. Hord was commissioned, by the governor of New York, second lieutenant, in a regiment known as the first chausseurs, and commanded by Colonel John Cochrane. In the following April, he joined McClellan's army, at Yorktown, and continued with it until after the battle of Malvern Hill. In July of the same year, he was sent to Bellevue Hospital, of New York city, being disabled, by illness, for further service. In September, 1862, he was discharged from service, on the ground of continued and apparently permanent disability.

CHARLES E. PENNEWELL was born at Sandusky, Ohio, January 11, 1829, and was educated at Norwalk (Ohio) Seminary. After leaving school, he went into the office of Boalt & Worcester, at Norwalk, and took up his legal studies with that firm. He was admitted to the bar in January, 1851, and for twenty-four years was one of the leading lawyers of Norwalk. In October, 1869, Mr. Pennewell was elected judge of the Court of Common Pleas, for the fourth judicial district of Ohio, serving one term with ability and credit. In 1875, Judge Pennewell came to Cleveland, opening an office, where he soon received a large business. He was for some time a partner of Judge A. W. Lamson, of this city.

VIRGIL P. KLINE was born on November 30, 1844. His boyhood was passed at Conneaut, Ohio, and his preparation made for college in the Eclectic Institute, at Hiram. Entering Williams College, he graduated in 1866; came to Cleveland, and read law, and was admitted to the bar in 1870. He soon entered into partnership with the late Albert T. Slade, which continued until Mr. Slade's death. In 1876, Mr. Kline formed a partnership with Mr. J. M. Henderson, which yet continues, under the firm name of Henderson, Kline & Tolles. Mr. Kline has met with remarkable success at the bar; and while he has never been a seeker after office, the Democrats of Cleveland and Cuyahoga county have again and again pressed him into the lead as their candidate; and he has, upon various occasions, been nominated for common pleas judge, circuit judge, and state supreme judge. In all of these cases, even Mr. Kline's strong personal popularity has not enabled him to overcome the Republican majority against which he was opposed. He has been often mentioned in connection with Congress, and, in 1889, was one of the three leading candidates voted for in the Democratic

gubernatorial convention of Ohio. Mr. Kline is noted as an orator, and has made a close study of financial and economic questions.

CARLOS M. STONE was born in Strongsville, Cuyahoga county, Ohio, on March 27, 1846; was educated at Oberlin College, studied law at Cleveland, and was graduated from the Ohio State and Union Law College, in 1869, and admitted to the bar the same year. He was elected prosecuting attorney of the city of Cleveland in 1871, for the period of two years; from 1873 to 1876, was a member of the law firm of Brinsmade & Stone; from 1876 to 1879, a member of the law firm of Stone & Hessenmueller. In the Fall of 1879, he was elected prosecuting attorney of Cuyahoga county, for the term of two years; and, in 1881, re-elected to the same office, for the term of three years. On the 1st of January, 1885, he resumed the practice of the law, under the firm name of Stone, Hessenmueller & Gallup. In the Fall of 1885, elected judge of the Court of Common Pleas of Cuyahoga county, for the term of five years, and in 1889, re-elected to that office. Mr. Stone is a Republican in politics, and was chairman of the county Republican central committee during the presidential campaign of 1884.

GEORGE H. FOSTER was born in Strongsville, Ohio, on January 4, 1840. He was educated in the common schools, followed by considerable teaching, and had entered upon a course in Baldwin University, at Berea, when the war came, and he promptly enlisted, and went to the front as a private in company A, of the 124th Ohio. He was appointed a non-commissioned officer, and remained with the regiment until September 19, 1863, when he was wounded three times at the battle of Chickamauga; was captured upon the field, but, being too badly injured to be moved South, was left on the ground till paroled, and brought within the Union lines, under flag of truce, by the Union soldiers, and taken to hospital; and, after a long season of doubt as to his recovery, was discharged from the army, against his wish, as utterly unfitted for duty. He returned to the university upon crutches, and graduated in the regular course, in June, 1866. In September of the same year, he began the study of law, with Loren Prentiss, in Cleveland, and soon after entered the Ohio State and Union Law College, from which he graduated, in 1867, and was soon after admitted to the State and United States Courts, and later to the United States Supreme Court. Mr. Foster has practiced in Cleveland, from his admission until the present time. Was married, in 1874, to Miss Ida R. Braggins. In 1877, he was elected, upon the Republican ticket, to the Ohio House of Representatives, and was there a member of the judiciary and other committees connected with the revision of the Ohio statutes. He was appointed swamp-land commissioner, by Governor Foster, and collected

and turned into the state treasury the only money from that class of claims which has been collected since the war. He was legislated out of office in 1885, but was again appointed in 1888, and now represents the state in that capacity. In 1870, Mr. Foster formed a partnership with A. W. Lamson, under the firm name of Foster & Lamson, which continued until January 1, 1875. He practiced alone until 1882, when he formed a partnership with James Lawrence, which has continued until the present time, except for the two years of Mr. Lawrence's service as attorney-general of Ohio. Mr. Foster has made two visits to Europe, and while there, as at all other times, was a close observer and student of the law and general literature of the world, and has traveled in the United States extensively.

WILLIAM ROBISON was born at Lyons, Wayne county, New York, on May 11, 1828. His father, who was a farmer, removed to Ohio when he was between five and six years of age. The son left home, when but thirteen years of age, to make his way in the world without help from others. His education was commenced in the district school, and completed, by means of the proceeds of his own labor, at Aurora Academy, and Allegheny College, at Meadville, Pennsylvania. He studied law in the office of Judge S. B. Prentiss, at Cleveland, and was admitted to the bar by the Supreme Court, at Columbus, in 1855. He was shortly after admitted to practice in all the United States Courts. Mr. Robison was elected prosecutor of Cuyahoga county, in 1873, and made a most efficient official. His partnerships have been as follows: with R. D. Updegraff, Esq., dissolved by the election of the latter to the police judgeship; then with H. C. White, now probate judge; and afterwards with his present partner, W. C. Rogers, under the firm name of Robison & Rogers. Mr. Robison has a wide reputation as a jury lawyer.

CHARLES B. BERNARD was born in Genesee county, Western New York, in 1828, and came to Ohio in the Fall of 1845. He located in Elyria, and taught school at Avon in the Winter, and the three following Winters in Brunswick and Middlebury, working on a farm in the Summer season. In the Spring of 1859, he went into the county auditor's office, at Akron, and served six years as deputy, and four years as auditor. He was the first railroad ticket agent at Akron. He studied law in the office of Wolcott & Upson, at Akron, and, upon his admission to the bar, was taken into partnership with the firm, and upon the death of Mr. Wolcott, in 1863, he became an equal partner with Judge Upson, now of the Circuit Court. In 1864, he went into the 164th Ohio, one hundred days' service, as a private, and upon his arrival at Washington was made acting assistant adjutant-general, serving nearly four months. After this, he returned to Akron, and continued the practice of law, until April, 1867, when he

came to Cleveland, and has been actively engaged in his practice ever since, except about six years, when in other business. While in Akron, Mr. Bernard also held the offices of city solicitor, and president, secretary and treasurer of the board of education. Besides his law practice in Cleveland, Mr. Bernard was secretary of the Cleveland Stove Company; was chief clerk in the United States revenue office, under N. B. Sherwin; was appraiser of merchandise, two years; was a member of the board of education two years, and city council two years. During his legal practice, Mr. Bernard has had occasion to carry up several important cases to the Supreme Court of Ohio, and in every one he has been successful. As referee in a suit involving the liability of stockholders under the laws of Ohio, he wrote out an opinion as to the law in such cases, which was subsequently confirmed by the Supreme Court of Ohio, in a later case involving the same questions, and which is now the law of Ohio.

THEODORE E. BURTON is the present representative of this (twenty-first Ohio) district in the lower house of Congress of the United States. He was born in Jefferson, Ashtabula county, Ohio, on December 20, 1851. He attended school at Austinburg, in the same county, until he was thirteen years old. Two years later, he resumed his studies at Grinnell, Iowa, continuing there until the end of his sophomore year, when, in 1870, he returned to Ohio, and attended college at Oberlin, from which institution he graduated in 1872. Mr. Burton remained at Oberlin two years after graduating, as a tutor in the college, acting as assistant to the professors and studying law part of the time. In 1874, Mr. Burton went to Chicago, and entered the law office of Lyman Trumbull, with whom he read law for a year. He then came back to Ohio and was admitted to the bar, at Mt. Gilead, where District Court was then in session, on July 1, 1875. Mr. Burton took up the practice of law in Cleveland with John C. Grannis, with whom he afterwards went into partnership, the partnership continuing until February 1, 1878, when Mr. Burton went into an office alone. He has from the start been actively engaged in general practice. He was elected a member of the city council from the fourth ward, serving two years, from 1886 to 1888. On September 22, 1888, Mr. Burton was nominated by the Republicans of the twenty-first district as their candidate for Congress, and on November 6th following was elected. His term began in December, 1889.

E. SOWERS was born near Monroeville, Huron county, Ohio, on August 31, 1832. His early life was spent upon the farm, with the usual district school advantages; and under the desire for an education, he applied himself to the painter's trade for several years to secure the needed means. In 1853, he entered Antioch College, Ohio, from which he graduated, in 1859. He then taught school in Missouri, and in Fremont and

Port Jefferson, Ohio, until July, 1862, meantime having entered, first, the office of P. N. Schuyler, at Norwalk, Ohio, and afterwards that of Judge J. S. Conklin, of Sidney, as a law student, and was prepared for examination; but the call for soldiers appealed to a sentiment stronger than ambition, and on August 13, 1862, he entered the Union army as a captain in the 118th Ohio volunteer infantry. His services in the army were in Kentucky, in 1862-3; in East Tennessee, in 1863-4; the Atlanta campaign, and the battles of Franklin and Nashville, 1864; and afterwards at Wilmington, Kinston, Goldsborough, Raleigh and Salisbury, North Carolina, serving as captain, major, lieutenant-colonel, and commanding the regiment the last year, and received the brevets of colonel and brigadier-general. The war ended, his professional studies were resumed, and he was admitted to the bar by the Supreme Court, at Columbus, Ohio, in November, 1865. He began the practice of law at Cleveland, in May, 1866, and has continued since then in the practice, serving one term as justice of the peace soon after coming to the city. At first, for a few years, Colonel Sowers gave special attention to insurance law, but, since the Chicago fire, has devoted his time mainly to commercial and real property law.

L. E. HOLDEN was born in Raymond, Cumberland county, Maine, on June 20, 1834; was educated in the common schools and at Waterville College, and afterwards Ann Arbor; and after graduation became a member of the faculty of Kalamazoo College, Mich. He filled the office of superintendent of public schools at Tiffin, Ohio, one year; came to Cleveland in 1862, and studied law in the office of Judge Bishop, and was admitted to the bar in 1863. He had fairly entered upon a successful practice when he was led into a series of large real estate enterprises that occupied all his time. He also became interested in Lake Superior and Utah mines, which have paid him immense returns; is chief owner and president of the Cleveland *Daily Plain Dealer* company; connected with many important local measures and enterprises, and has held many places of public trust. While his tastes are in the direction of law and literature, chance and opportunity have so far held him close to a business life.

ALLAN T. BRINSMADE was born in Claridon, Geauga county, Ohio, March 29, 1837. When six years of age, his parents removed to Chagrin Falls, where he resided until he came to Cleveland, in 1861. He was educated at Asbury Seminary, and in 1855 went to Jacksonville (Illinois) College, where he remained one year. He then went to Western Reserve College, at Hudson, Ohio, where he graduated in 1860. He graduated at the Cleveland Law College in 1861, having been reading with M. C. Read, at Hudson, and S. B. & F. J. Prentiss, of Cleveland. He was admitted to the bar in 1861, and commenced practice in Cleveland. He was assistant city attorney

of Cleveland from 1863 to 1866. In 1864, he enlisted in the one hundred days' service in the 150th Ohio national guard, serving as a private, and was stationed at Washington. In 1866, he was elected city attorney of Cleveland, and, in the Fall of 1871, was elected to the Ohio State Senate, and was the chairman of the committee on municipal corporations, and president *pro tem.* of that body. In 1876, Mr. Brinsmade was appointed an aid on the staff of Governor Hayes, and, in 1877, was elected colonel of the fifteenth, now the fifth, regiment Ohio national guard. In 1884, he was elected to the city council, from the then twenty-first ward. In 1885, he was elected city solicitor for the term of four years, and in the Spring of the present year was re-elected to the same position. Colonel Brinsmade has always been an active Republican, and was chairman of the Republican state committee in 1887-8. Notice of his latest public preferment has just reached him, having been admitted to practice in the Supreme Court of the United States, on motion of Hon. William M. Evarts. His commission bears the date of January 11, 1889.

LEWIS W. FORD was born in Cummington, Massachusetts, December 12, 1830. When about seven years of age, he came to Massillon, and to Cleveland in 1841, his education up to that time being of the common school. Afterwards, he went to the academy at East Cleveland, Grand River Institute, Ashtabula county, and entered Western Reserve College in 1850. After two years there, he spent two years at Yale, graduating in 1854 with the degree of A. B. He studied law in Cleveland one year with Hiram Griswold, and at Harvard law school one year, and was admitted to the bar in the Fall of 1856. Beginning in the Spring of 1857, Mr. Ford was a tutor in Yale College, for two years and a half. He then returned to Cleveland and commenced the practice of law. For nearly twenty-seven years he has been examiner of teachers for the city and county public schools, and was a master commissioner sixteen or eighteen years. He has been a member of the law firms of Brooks & Ford, Ford & Andrews, Prentiss, Baldwin & Ford, Baldwin & Ford, and is now alone.

MARTIN A. FORAN was born in Choconut township, Susquehanna county, Pennsylvania, November 11, 1844. The first sixteen years of his life were spent on his father's farm, going to country school and learning the trade of a cooper. His advantages were meagre, and young Foran's ambition had to supply the rest by self-acquirement of a knowledge of mathematics and grammar. When sixteen years old, he entered St. Joseph's College, near Montrose, Pennsylvania, where, by diligent study, he obtained a good education. He taught school two years, and then entered the army, enlisting on March 21, 1864, in company E, 11th Pennsylvania cavalry, then but nineteen years of age. With this regiment, he participated in all the engagements of



J. F. Herrick

the army of the Potomac from that time to the surrender of Lee, and was mustered out of service in August, 1865. He again taught school a few months, and then went to Meadville and finished learning the trade of a cooper. He then came to Cleveland and worked at his trade for a few years, and was elected president of the Cooper's International Union. In the Spring of 1873, he was elected a member of the Ohio constitutional convention, and acquitted himself creditably as a member of that body. Having been reading law more or less, previous to that time, he was admitted to the bar in the Spring of 1874, and the next year was elected city prosecutor, which office he held for two years. In the Spring of 1881, he was the Democratic candidate for police judge, but was defeated with his party ticket. In the Fall of 1882, he was elected to Congress by a large majority, defeating S. T. Everett. Two years later, he was again elected, defeating C. C. Burnett; and again the third time to the same position, in the Fall of 1886, defeating Hon. Amos Townsend. He won a creditable record in this position. His third term as congressman has just closed, and he has resumed his law practice, which has been managed exclusively by his partner, Mr. J. P. Dawley, in his absence.

EDWARD S. MEYER was born at Canton, Ohio, on August 20, 1843. Was educated at the Canton High School, and Saint Vincent's College. He entered the Union volunteer army as a private soldier, on April 18, 1861; served in the field throughout the war, rising through the various grades of rank to that of brigadier-general. He was transferred to the regular army at close of the war, serving in the cavalry arm on the frontiers; was, at his own request, retired from active service, on August 24, 1875, on account of physical disability, resulting from wounds received in battle. He read law under the instruction of his father, Judge S. Meyer, of Canton, Ohio. He was appointed assistant United States attorney for the northern district of Ohio, in April, 1877, and served as such until April, 1881, when he was appointed United States attorney for said district by President Garfield, and served as such until 1883. Has since continuously practiced his profession at Cleveland.

GAMALIEL E. HERRICK was born January 17, 1827, in Wellington, Lorain county, Ohio. His father was a descendant of the Revolutionary stock of that name, of Berkshire county, Massachusetts, and came to Ohio when a young man. Mr. Herrick's grandfather, Francis Herrick, was a colonel in the war of 1812. Mr. Herrick's early education was obtained in the Wellington school and at Oberlin. When he was twenty-one years old, he engaged in mercantile business for a couple of years. During this time, he had several opportunities to continue in business on a larger scale, but having early acquired an appetite for the law, he decided to begin its study at the first favorable

opportunity, and in January, 1850, the opportunity presenting itself, he went into the office of Andrews, Foote & Hoyt, remaining with that firm two years, when he was admitted to practice before the District Court, at Mt. Vernon, Ohio. He then came to Cleveland and bought out the firm of Cowles & Mastick, both those gentlemen going to California. Within a year after starting in law business, he found himself in the midst of a large and profitable practice, and from that day to the present he has been one of the busiest men in Cleveland. The first partnership he formed was with Merrill Barlow, who afterwards became quartermaster-general under Governor Brough. After the return of his brother, Colonel J. F. Herrick, from the army, the two formed a partnership, which has since existed. During the war, Mr. Herrick was called to assist the city attorney in the conduct of a number of cases, rendering valuable aid. In point of business, the firm of Herrick & Herrick ranks among the foremost in the city. Besides being president of the Cleveland Linseed Oil Company, Mr. Herrick is a director in the East Cleveland Street Railway Company, and is engaged in many other business enterprises. He has been very successful in his undertakings, and has amassed a large amount of property.

FRANK H. KELLY was born in this city on May 21, 1840. His education was obtained by private instruction until he was fourteen years of age, when he was sent to Kenyon College, where he spent four years, completing a collegiate course. Then he came home and read law two years in the office of Bolton, Kelly & Griswold. He also attended the Ohio State and Union Law College, where he finished his law studies and was admitted to the bar, beginning his practice in Cleveland. In the Spring of 1866, he was the Democratic candidate for city attorney, and was only defeated by fifty votes, while the rest of his ticket was lost by 3,000. He took his defeat good-naturedly, however, and waited for better luck next time. In 1868, he was the Democratic candidate for county prosecuting attorney, and ran largely ahead of his ticket, but again failed of election. His good luck began in 1873, when he was elected from the sixteenth ward to fill a vacancy in the city council, caused by the election of Judge Cadwell to the Common Pleas bench. In 1874, he was chosen president of the city council over Hon. O. J. Hodge, when the council was Republican by four majority. In the Spring of 1887, he was elected police judge, and filled that office with such credit that he was re-nominated by his party by acclamation, and was elected in April of the present year, being one of only two Democrats elected, while the rest of the ticket was defeated by from 1,000 to 3,000. Judge Kelly has made one of the best police magistrates ever elected in this city, and is popular alike with the best men of both parties.

JAMES LAWRENCE was born January 15, 1851, at Washington, Guernsey county, Ohio. Graduated from Kenyon College in 1871; read law with Hon. J. W. White at

Cambridge, Ohio, and was admitted to the bar in 1874. In September of the latter-named year he came to Cleveland, and commenced the practice of his profession. He was elected as a Democrat, in 1883, to the office of attorney-general of Ohio, serving one term; since that time, he has been associated with Hon. Geo. H. Foster as a partner. He was president of the board of aldermen of the city of Cleveland, from 1887 to 1889.

ANDREW J. MARVIN was born June 26, 1838, in Rome township, Ashtabula county, Ohio. When a boy, he attended the academy in his native county, presided over by Professor Jacob Tuckerman, and attended Cornell College, Iowa. In 1855, his father moved to Iowa, where Andrew afterwards took charge of the academy at Al-moral, acquiring marked success as an educator. Coming back to Cleveland in 1861, he entered the law office of Cartter, Thayer & Elwell, and also attended the Ohio State and Union Law College of Cleveland, graduating in 1862. He was clerk under General Elwell, chief quartermaster at Port Royal. At the close of the war, he returned to the practice of his profession in Cleveland, and is the senior member of the law firm of Marvin & Cook.

ROBERT E. MIX was born at Batavia, New York, April 17, 1819. He was educated at the John F. Ernest Academy, studied law with Allen M. Sherman, and was admitted February 2, 1841, at Batavia, Genesee county, New York. He is the senior member of the firm of Mix & White, and is one of the leading counsellors of the Cuyahoga bar. Mr. Mix is president of the Cleveland work-house board.

ROLAND D. NOBLE was born in Benson, Rutland county, Vermont. He was educated in the common schools, followed by a course at an academy, and afterwards read law with Chauncey A. Pardey, in Dresden, Ohio, and taught school at the same time. Served as clerk of the township of Jefferson, and as superintendent of Dresden schools. He also pursued his studies a few months in the office of his brother, Stephen I. Noble. Was admitted to the bar of Ohio, to the bar of the United States District Court and Circuit Court for the northern district of Ohio; and to the Supreme Court of the United States on motion of Henry Stanbery. He possessed a successful practice; served as prosecuting attorney of the Police Court of the city of Cleveland a few months, having been elected by the city council to supply a vacancy. Was clerk of the Court of Common Pleas and District Court of Cuyahoga county for three years; was for several years chief deputy collector of internal revenue for the eighteenth (Cleveland) district of Ohio, and for a few months acting collector. He is now chief deputy collector. Mr. Noble, from October, 1861, to October, 1862, was in the division of commercial law in the office of the Hon. Salmon P. Chase, secretary of the

treasury of the United States; and performed hospital service outside of department hours at Washington during that time. He was for some years master commissioner, and was for two years a director of the Cleveland, Tuscarawas Valley & Wheeling Railroad Company, and for several years a director of Marquette Iron Mining Company. When clerk of the courts; Mr. Noble, at the instance of Judges Horace Foote, Thomas Bolton and Jesse P. Bishop, then the judges of the Court of Common Pleas of Cuyahoga county, prepared rules of practice for the Court of Common Pleas and District Court, published in pamphlet form, and which were adopted by the judges of the Supreme Court throughout the state, with local modifications.

LEMUEL A. RUSSELL was born in Westfield, Medina county, Ohio, September 11, 1842. He was brought to Cleveland by his parents in 1853, and having before that attended district school, he entered the public schools of Cleveland, passing through the various grades, and graduated, as valedictorian of his class, from Central High School, in 1858. During his school days, he paid his expenses by delivering daily papers to a large route of subscribers. He began his law studies with Judge R. F. Paine, to whom he recited three evenings a week at the judge's house. After a few weeks of this tutelage, he secured a position with Adams & Canfield, where he could earn his living and prosecute his studies at the same time. Two years of this work fitted him for practice, and on September 10, 1863, he was admitted to the bar. Having no means, however, to begin practice, he had to spend a number of years in teaching, clerking, etc., finally becoming chief clerk to the superintendent of the department of military railroads, division of Mississippi, which centered at Chattanooga. After the close of the war, he opened a law office at Nashville, but did not have much practice there, and after engaging in various occupations for a few years, he came back to Cleveland, and accepted a position as assistant to Messrs. Otis & Adams, then counsel for the Atlantic & Great Western Railroad. His services were so valuable as to lead to the strongest friendship between him and that firm, which finally resulted in a partnership being formed between them, which lasted seventeen years. He is now associated with William L. Rice.

ROBERT S. SHIELDS, United States district attorney for the northern district of Ohio, was born in Washington, New Jersey, September 28, 1845. He attended preparatory school, at Allentown, Pennsylvania, and later, at Union College, at Schenectady, New York, where he graduated in the Summer of 1867. On leaving college, he began reading law, with Hon. E. W. Stoughton, of New York City. In 1870, he was admitted to the bar, at Cadiz, Ohio, and opened an office in Canton. One year later, he was elected mayor of that city, and re-elected in 1873. He also served

two terms as prosecuting attorney of Stark county, and was for five years president of the city council of Canton, from which office he retired in the Spring of 1885. At that time, he was appointed, by President Cleveland, to the position he now holds, the business of the office requiring most of his time in this city.

ANDREW SQUIRE was born in Mantua, Portage county, Ohio, October 21, 1850. He attended the district school, at Mantua, until he was eleven years old, when he went to the Western Reserve Eclectic Institute, at Hiram. His family removing to Hiram, in 1863, Andrew continued at school until the Winter of 1866-67, when he came to Cleveland to attend a course of medical lectures. While attending college, he formed the idea of studying law, and read Blackstone's "Commentaries," and Bouvier's "Institutes." He graduated from Hiram, in June, 1872. He then came to Cleveland, and, in October, entered the office of Cadwell & Marvin; was admitted to the bar, December 3, 1873, at Columbus, by the Supreme Court. Upon Mr. Cadwell's election to the Common Pleas bench, he was taken into partnership by Mr. Marvin, with whom he remained until January 1, 1878. In 1875, Lieutenant-governor Alphonso Hart came to Cleveland, and the law firm of Marvin, Hart & Squire was created, which continued until Mr. Squire left it to go into partnership with Mr. Estep, who was then in business alone. Estep & Squire continued as a firm until the Spring of 1882, when the firm was strengthened by the addition of Judge Dickey. On January 1, 1890, he retired from the firm of Estep, Dickey & Squire, and, uniting with Judge Wm. B. Sanders and James H. Dempsey, established the firm of Squire, Sanders & Dempsey.

W. W. ANDREWS was born in Cleveland, and after the usual preparation, entered Western Reserve College, from which he graduated in 1859. He read law with his father, the late Sherlock J. Andrews, and graduated from the Cleveland Law College. He then entered upon the active practice of his profession in Cleveland, which has been since continued. Mr. Andrews was for a time in partnership with L. W. Ford, and afterwards with Hon. G. M. Barber, but is now by himself. In 1861, he was named for the board of education by both parties of his ward, and elected, but since then has not held nor been a candidate for any office.

SAMUEL E. WILLIAMSON is the son of Samuel Williamson, Sr., late president of the Society for Savings Bank, and is at present general counsel for the New York, Chicago & St. Louis Railroad Company. He was born April 19, 1844, in Cleveland, and attended the public schools until sixteen years of age, when he entered Western Reserve College, graduating in 1864. On leaving college, he spent about a year and a half in the study of law with his father, attended Harvard Law College one year, and was admitted to the

bar in September, 1866, commencing practice with his father in February, 1867. In November, 1880, he was elected judge of the Court of Common Pleas, but resigned in September, 1882, to accept his present position with the Nickel Plate Railroad.

CHARLES D. EVERETT was born in Trumbull county, Ohio, on November 17, 1837. He was educated in the public schools of Cleveland; read law with Mason & Estep; graduated at the Cincinnati Law College; and commenced practice in Cleveland in 1860. Mr. Everett has been a member of the following law firms: McMath & Everett; Gary & Everett; Gary, Everett & Dellenbaugh; Everett & Dellenbaugh; and Everett, Dellenbaugh & Weed, the present firm. He was a member of the Cleveland city council for six years, and its president during the last two years of that time.

JOHN G. WHITE is a native of Cleveland, having been born in this city, on August 10, 1845. He received a liberal education, having passed successively the public school, Canandaigua Academy in New York, the Cleveland High School, and Western Reserve College, graduating from the latter institution with the class of 1865. He studied law with his father, Bushnell White, Esq., and was admitted by the District Court, at Norwalk, Ohio, and the United States Court, northern district of Ohio, in May, 1868. He belonged to the firm of Mix, Noble & White, in 1870, which continued until 1887, when Mr. Noble was elected to the Common Pleas bench, and the firm became Mix & White, and still exists.

JOHN F. HERRICK was born in Wellington, Lorain county, Ohio, February 23, 1836. Until he was twenty years of age, he attended the common school and Wellington Academy, preparing for college. In 1856, he went to Oberlin College, graduating from there in the Spring of 1862. Immediately upon leaving college, he raised a company for the 87th Ohio infantry, in Oberlin, and Wellington, and was elected captain of it, serving until captured by the rebels at Harper's Ferry. He was soon after paroled, and, during his parole, he came to Cleveland to study law in his brother's office and in the Union and Ohio State Law College, and, having previously studied to some extent, he graduated in 1863. He was also graduated at Oberlin College by the faculty during his absence, and found his diploma awaiting him on his return. In 1863, he received a recruiting commission from Governor Tod, raised a company in Cleveland for the 12th Ohio cavalry, and was made first major of the regiment while in camp in Cleveland, having been in the meantime notified of an exchange of prisoners, which left him free to again take up arms. He served with that regiment, as part of the sixth division of the twenty-third army corps, during the remainder of the war, and was discharged from the army on November 24, 1865, as a lieutenant-colonel. Colonel Herrick then returned to Cleveland and became a partner with his brother, G. E. Herrick, in the

law practice, and the two have remained in partnership ever since. Colonel Herrick is one of the attorneys of the East Cleveland Street Railroad Company; is manager and attorney for the Cowell Platform & Coupler Company, and is interested in several other enterprises. Colonel Herrick is a member of the Grand Army of the Republic, and an active worker in the Loyal Legion.

W. C. McFARLAND was born in Lawrence county, Pennsylvania, September 24, 1838. He was educated at Poland Academy and Westminster College, Western Pennsylvania; taught a select school near Versailles, Kentucky, from September, 1859, until June, 1861; and afterwards graduated from the Ohio State and Union Law College, of Cleveland, and was admitted to practice, June 22, 1862, before the District Court, at Mansfield, Ohio, then in session. He began practicing law in Cleveland, in September, 1862. He was nominated as a member of the Ohio House of Representatives by the Republicans of Cuyahoga county, was elected, and ably served in the legislature of 1872-3. In 1864, he was employed in the quartermaster's department of the Union army, at Nashville, Tennessee. In 1875-6, Mr. McFarland was a member of the law firm of Critchfield & McFarland, of this city. During the year 1875, he traveled over the continent of Europe and the British Isles, and wrote a number of letters to the Cleveland *Herald*. Since that time, he has been constantly engaged in his profession, his practice being mainly corporation business.

CONWAY W. NOBLE was born in Monroe, Michigan, on October 7, 1842, his father being one of the earliest settlers of that place. By the time Conway had reached the age of sixteen years, he had acquired an elementary education, fitting him for college, and entered Michigan University in 1858, graduating from that institution with the class of '63, at the age of 21, the highest honors being awarded to him. On receiving his degree, he came immediately to Cleveland, and entered the law office of F. T. Backus and Charles W. Noble, an elder brother, who had been in practice here some years. The Civil war was going on at this time, and, after reading law only a few months, Conway laid aside his books and enlisted with the one hundred days' men, in company A, 150th Ohio volunteer infantry, commanded by Colonel Hayward, and ordered to garrison duty at the National capital. It was the first regiment to arrive in defense of Washington, and the only United States force in that vicinity when the capital was menaced by General Jubal A. Early, while making his famous raid through the Shenandoah Valley. At the close of his term of service, Mr. Noble returned to Cleveland, entered the Ohio State and Union Law College, and after having passed a satisfactory examination, was admitted to practice in 1865, and formed a partnership with his brother Charles. Upon his brother leaving the city shortly afterwards, the

firm of Mix & Noble was formed, and, in 1872, Mr. J. G. White was admitted to the firm. This partnership existed until the elevation of Mr. Noble to the Common Pleas bench, which event occurred in January, 1887, by appointment of Governor Foraker, to fill the vacancy caused by the resignation of Judge Jones. He had been already nominated, by the Democrats, in the Fall of 1886, for the same position, and was elected, defeating Captain M. B. Gary.

EMERSON H. EGGLESTON was born June 19, 1840, at Aurora, Portage county, Ohio, where his childhood was spent. He was educated at Twinsburgh and Hiram, Ohio, having meantime taught school and begun the study of the law. On August 6, 1861, the young student enlisted as a private in company B, 2d Ohio cavalry. His conduct throughout the trying period of four years which followed was such that he was rapidly promoted, and when mustered out of service, in October, 1865, he carried with him two honorable wounds, and the title of major. In the Spring of 1866, he went into mercantile business in Chagrin Falls, until 1869, when he went to complete his law studies at Michigan University, reading law, while there, with, and acting as secretary for, Judge Thomas M. Cooley, dean of the law faculty; and, after practicing several years in Kansas, he came to Cleveland, in 1874, and practiced his profession until September, 1882, when he was appointed deputy county treasurer. He served in this capacity until March, 1883, when he was appointed United States district attorney for the northern district of Ohio, by President Arthur. By a change of administration, he was superseded, in July, 1885, by Mr. Shields, since which time he has devoted his attention to the practice of law.

AMOS DENISON was born in Parma township, Cuyahoga county, where the early part of his life was spent. Being possessed of an unusual aptitude for study, he passed through the grades of the public school in quick succession, and at the age of fourteen entered Cleveland Institute, where he spent several years in hard study, graduating therefrom, in 1869, with the highest honors of his class. After two years spent in study and travel, he began to prepare himself for the profession of law in the office of Palmer & DeWolf; subsequently taking a full course at the University of Michigan, where he graduated in 1872, and was admitted to the bar at Ravenna, Ohio. He then entered the firm of Wyman, Hamilton & Denison, with whom he continued four years, when the firm was dissolved by the retirement of the senior partner and the election of Mr. Hamilton to the Common Pleas bench. In 1876, he formed a law partnership with John W. Tyler, which continued until 1886, when he associated himself with Mr. Sherwood, and continued in partnership with that gentleman until his appointment as judge of the Common Pleas Court. Mr. Denison has devoted

considerable attention to literary work and journalism, and has gained some reputation as a lecturer and vigorous writer. Since 1884, Mr. Denison has been, and is at the present time, corresponding secretary of the Cleveland Bar Association. In 1887, he was appointed, by the Supreme Court, a member of the examining committee on bar applications. From 1882 until 1888, he was secretary of the Michigan University Association, and last year was elected its vice-president. In May, 1888, he was chosen, by the national convention at Washington, a member of the committee on bar associations of the National Bar Association of the United States, and was re-elected to the same position at the regular election in July following.

JAY P. DAWLEY was born at Ravenna, Ohio, March 7, 1847. He graduated at Ravenna union school, and attended Western Reserve College, at Hudson. He left college in his junior year to study law with J. M. Jones, and was admitted to the bar in 1872. He at once formed a partnership with S. M. Stone, now of New York, which

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re-enlisted in the same regiment, and was mustered in as sergeant of company I. At
the battle of Fredericksburg, on December 13, 1862, he was wounded, and remained
in the hospital, incapacitated for further service. On January 8, 1863, he received his

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discharge at Washington, and returned home. As soon as he was able, he repaired to Oberlin College, where he attended school, teaching Winters, until the Fall of 1867, when he went to Hillsdale College, Michigan, from which he graduated in June, 1870, after which he came to Cleveland, and studied law with Estep & Burke, and was admitted to the bar in September, 1871. He has since practiced his profession in this city. In 1876, he was elected a member of the board of education, serving two years. In the Spring of 1878, he was re-nominated for the same position, but was defeated, owing to his radical views upon certain questions pertaining to public education, some of which, however, have since been adopted by the board. He was again nominated in the Spring of 1883, and again defeated. In the Fall of the same year he was one of the Republican nominees for common pleas judge, and was again defeated, though the whole of his ticket, with one or two exceptions, was defeated with him. Since that time, he has confined himself closely and successfully to his profession.

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JAMES HARRISON RHODES was born July 7, 1836, in Summit county, Ohio. His parents were Jacob Rhodes and Eliza Bender, whose parents came as pioneers to Ohio from Pennsylvania. His father, aged seventy-nine, is living in Akron, Ohio. The first

fifteen years of his life were passed at Massillon, O., attending the public schools, and in working on a farm. At the age of seventeen, he entered the Western Reserve Institute, now Hiram College, in Portage county, remaining two years, and teaching school in the Winter season. In 1855, he was appointed a teacher in that institution, and was for three years in close relationship with General Garfield, rooming with him about two years of that time, and beginning the friendship which lasted until the death of the murdered president. In the Fall of 1858, he entered the senior class at Williams College, Massachusetts, and graduated in 1859. Leaving Williams, he returned to Hiram, where he had previously been elected professor of modern languages and mathematics, serving in that capacity for four years. On December 2, 1863, he took editorial charge of the *Cleveland Leader*, remaining until the close of the war, when he resigned. Prior to his coming to Cleveland, he had studied law with Garfield, at Hiram, his intention being to enter the profession of law. On leaving the *Leader*, he devoted the next three years to newspaper correspondence, and, in 1867, became special European correspondent of the *Cleveland Herald*. He spent one year in Europe, writing a series of letters which attracted general attention. 1867-8 were spent in Washington, where Mr. Rhodes was clerk of the committee on revision of laws. On his return to Ohio, he was admitted to the bar, by the District Court, at Ravenna. He then settled in Cleveland, associating himself with the law firm of Prentiss, Rhodes & Vorce, and soon afterwards took up an office and business alone, as he has since remained. Mr. Rhodes is one of the Garfield memorial association, having in charge the construction of the Garfield monument, and has been secretary of the association since its formation. During his association with the Cleveland bar, Mr. Rhodes has served as referee in a number of important cases, and as receiver in others, involving the collection and disbursement of large sums of money. He has always been a Republican in politics. He has kept up the study of languages with his practice, together with literature, making frequent contributions to the press. Mr. Rhodes is a trustee of Hiram College, and has always been much interested in educational matters. His religious affiliations are Unitarian.

W. S. KERRUISH was born in Warrensville, Cuyahoga county, Ohio, on October 30, 1831. He was educated at the Twinsburgh Institute, Western Reserve College, and Yale College, from which he graduated in 1855. He entered upon the study of law in the office of Ranney, Backus & Noble, at Cleveland, and was admitted to the bar in 1859. He has since practiced law in this city with abundant success, and a constantly growing reputation. He has been at various periods a member of the following firms: Hays & Kerruish, Kerruish & Heisley, Kerruish & Chapman, and, at present, Kerruish, Chapman & Kerruish. Mr. Kerruish has been identified with

various Cleveland public and benevolent organizations, is an excellent speaker, and is a deep student of economic questions.

H. J. CALDWELL was born June 7, 1835, in Lordstown township, Trumbull county, Ohio. His education was obtained in the district schools, a select school at the centre of the township, and at Mount Union College, near Alliance, where he graduated in 1860. He read law with Judge Nash, of Gallipolis, Ohio, and graduated at the Cleveland Law College. Soon after his admission to the bar, he removed to Lawrence, Kansas, and began the practice of his profession in 1871. Early in 1875, he came to Cleveland, and entered into partnership with William Mitchell in the law practice, which continued two years. He then became associated with W. E. Sherwood. The latter soon after became clerk to the mayor, and Mr. Caldwell continued the business alone until the Fall of 1887, when he was elected a circuit judge of the eighth judicial district, which position he assumed in February, 1888.

M. B. GARY was born at Batavia, New York, on December 31, 1834. He received an academic education; removed to Ashtabula, Ohio; read law with Judge L. S. Sherman, and was admitted to the bar in 1859. He opened a law office in Geneva, Ohio, in 1860, and had just commenced upon his life-work when came President Lincoln's first call for troops. Mr. Gary immediately responded, and served for three months in the West Virginia campaign. He then assisted in raising the famous six-gun battery which he commanded in the army of the Cumberland all through its long career from the Ohio river to the Potomac, including Sherman's entire march, serving most of the time as chief of artillery of a division. Captain Gary was mustered out at the close of the war; came to Cleveland in 1873, and has had for law partners at various times Geo. S. Kain, Charles D. Everett and N. A. Gilbert.

ALFRED WARD LAMSON was born in Bedford, Cuyahoga county, Ohio, October 9, 1845. His parents were among the earliest settlers of that part of the county, coming from New York state. He attended school in Bedford until he was eighteen years of age, when he removed to Cleveland. He attended the preparatory department of Western Reserve College, at Hudson, two years, and on his return to Cleveland, in 1864, attended the Cleveland Institute, which had quite an extended reputation as a school of discipline, as well as of learning, remaining there two years in the study of languages, etc. He graduated from university at Ann Arbor, in 1869, and, coming back to Cleveland, took an office with A. T. Slade, for a short time, and then formed a partnership with George H. Foster, remaining with that gentleman for three or four years, when he went into the office with Judge Pennewell. In 1883, Mr. Lamson went into business alone, and continued so until he was elected, on the Republican ticket, for common pleas judge, in 1885, which position he now holds.

C. M. VORCE was born November 10, 1843, at Pulaski, Oswego county, New York; was educated at the common schools of Oswego, New York; Ottawa, Illinois; Cleveland, Ohio, and private school in the latter city, as well as a course in commercial college. He read law in the office of Loren Prentiss, of this city, and was admitted in September, 1867, and has practiced in Cleveland ever since. Has been a law partner of Mr. Prentiss since January 1, 1868. He was a private in the 84th Ohio volunteer infantry and 150th Ohio volunteer infantry.

WILLIAM B. SANDERS was born in Cleveland, September 21, 1854. His parents removed from Cleveland to Jacksonville, Illinois, when he was one year old, and there he attended the preparatory schools of Illinois College. In 1873, he graduated from Illinois College and went to Albany Law School, from which institution he graduated in 1875, and was shortly thereafter admitted to the New York bar. He then came to Cleveland, and became a member of the law firm of Burke, Ingersoll & Sanders. In February, 1888, Mr. Sanders was appointed, by Governor Foraker, judge of the Common Pleas Court of Cuyahoga county, to fill the vacancy caused by the resignation of Judge McKinney. At the next election, he was nominated as the Republican candidate, without opposition, and re-elected to the same position, and in January, 1890, resigned, and resumed the practice of law as a member of the firm of Squire, Sanders & Dempsey.

HARVEY D. GOULDER was born in Cleveland, March 7, 1853. After the common school course, he went to the Central High School, taking a classical course, and graduating in 1869. During his school days, he sailed a couple of Summers before the mast, and caught up with his class again in the Winter by hard study. After graduating, he continued sailing the lakes, reading law in the Winter with Tyler & Dennison, until the Spring of 1871, when he went into the wholesale dry goods store of Alcott, Horton & Co., as entry clerk, with whom he remained a couple of years, meantime keeping up his law studies with the late John E. Carey, an admiralty lawyer. It was Mr. Goulder's intention to make a specialty of admiralty, and to that end he placed himself before the mast where he could learn all about the methods employed in lake shipping. He was admitted to the bar in the Spring of 1875. He could have entered several years before had he been of the required age. He went into partnership with John F. Weh, continuing with him but a short time, as Mr. Weh received the appointment as assistant city solicitor, under William Heisley. Since that time, he has been alone, his practice having been largely admiralty and insurance. In 1886, Mr. Goulder was a strong candidate for common pleas judge, but the choice fell upon Captain Gary, who was afterwards defeated. Mr. Goulder is counsel for the Vessel Owners' Association, and is a member of the board of industry, and one of the vice-presidents of the board of trade.

MYRON T. HERRICK was born in Huntington, Lorain county, Ohio, on October 9, 1854. He attended the union school of Wellington, followed by a course at Oberlin and Delaware, which was in time followed by two years in the Indian Territory, New Mexico, Colorado and Kansas, inspecting the country and recording his observations in newspapers at the East. In 1875, he entered upon the study of law in the office of G. E. & J. F. Herrick, at Cleveland, and was admitted in 1878. He immediately entered upon a lucrative practice, and was soon actively identified with various matters of public interest. In 1885, he was elected for one year to the city council, and again in 1886 for two years. He was the originator of the Euclid Avenue National Bank, and upon its organization, in June, 1886, was made a director and member of its finance committee, both of which he resigned, in September of the same year, to accept the position of secretary and treasurer of the Society for Savings, which he yet holds. Mr. Herrick was very active in originating the Euclid avenue arcade enterprise and in carrying it through; and in the other measures in which he has been or is interested the following may be named: president of the Swan Lamp Company, a director in the Cleveland Hardware Company, and a director in the National Carbon Company. He became a member of the Cleveland Grays, in 1876, and is now a member of the veteran corps of said company; resigned from its active service in 1879, and became a member of the First Cleveland Troop. Mr. Herrick wields a wide influence in Republican circles of the city, and was chosen, in 1888, as one of the delegates from the Cleveland district in the national presidential convention. He was appointed, by the governor, Ohio commissioner to the Centennial at New York City, April, 1889, commemorating the one hundredth anniversary of the inauguration of George Washington.

WILLIAM EDGAR SHERWOOD, judge of Court of Common Pleas, Cuyahoga county, was born at North Royalton, Cuyahoga county, Ohio, October 2, 1850. His parents were Orsamus Sherwood, born December 15, 1815, in Genesee county, New York, and Ann M. Sherwood, born November 18, 1822, in England. Judge Sherwood's education, as a boy, was obtained in the public schools of Cleveland; as a youth, at Western Reserve College, Hudson, Ohio (class of 1872), and in Columbia College Law School, New York City. He early evinced a decided taste in reading for works historical, biographical and political, and was fond of disputation and debate. He first located in business at Cleveland, in 1874, and has never changed the character of business or location. He was a member of the city council of Cleveland in 1876 and 1877; was clerk of the board of improvements of Cleveland from July 1, 1878, to July 15, 1881, and first assistant city solicitor from July 15, 1881, to January 1, 1886. He

enjoys a wide reputation for his knowledge of municipal law. He was married October 8, 1874, to Miss Mary Hall, of North Royalton, Cuyahoga county, and has three children, two girls and a boy. His only partnership was with Amos Denison, Esq., which began in 1886, and continued until his election to the Common Pleas bench in 1889.

JOHN F. WEH was born at Plymouth, Ohio; educated in common schools, and a graduate of Baldwin University. Studied law in the office of the late John E. Carey, of Cleveland, and was admitted to the bar in 1872, in this city, and has practiced here ever since. He held the office of city solicitor, from 1875 to 1881, and had charge of the last codification of the city ordinances.

WALTER C. ONG was born near Smithfield, Jefferson county, Ohio, November 24, 1851. He attended the district school in the Winter, and working on the farm in Summer until he was seventeen years old, when he went to Mt. Pleasant High School two Winters. He then went to Richmond College, in Jefferson county, where he graduated in June, 1870. He had meantime read law somewhat, and, after graduating, continued the study, going to Steubenville and reciting to W. P. Hayes, Esq., and also reading with him. He attended Michigan University, at Ann Arbor, in 1872-3, and, after further study under Mr. Hayes, he was admitted to the bar by the Supreme Court at Columbus. Mr. Ong then opened an office in his native county, at Steubenville, and began practice. In one year from that time he was elected prosecuting attorney of the county, and two years later was re-elected. At the close of his second term, he resumed his practice until June 27, 1882, when he came to Cleveland, and, opening an office alone, made a bold stride into public favor, being acquainted at the time with but two persons in the whole city. In September, 1882, the firm of Ong & McMillin was formed, and has since continued with great success. In the Spring of 1886, Mr. Ong was elected to the city council from the twentieth ward, serving two years. During that time, he moved into the eighteenth ward, but continued to represent the twentieth until the close of the term, when the people of the eighteenth wished to nominate him for re-election to the council, but he was compelled to decline on account of the pressure of private business.

P. H. KAISER was born in Rush township, Tuscarawas county, Ohio, September 14, 1840. Was educated at common schools and High School of Uhrichsville, and at Oberlin College, from which institution he graduated, in 1867, having spent every Winter from 1860 to 1867 teaching in the public schools of Ohio and Illinois, except one spent in school at Oberlin. He studied law in the Cleveland Law College and in the office of Prentiss & Baldwin, and Backus, Estep & Burke, and grad-

uated from the Law College in the Spring of 1869. He was admitted, in the same year, to practice in the state and federal courts. He was a private in company K, 150th regiment Ohio national guards, for one hundred days, in 1864, and fought in the battle of Fort Stevens, near Washington. From March, 1880, to January, 1882, he was assistant prosecuting attorney of this county. He held the position of superintendent of Elyria public schools one year, from 1867 to 1868, and was a trustee of Oberlin College for one term. He has been associated as partner with A. T. Brewer (two years) and W. W. Andrews (five years). Is now engaged alone in his practice.

FREDERICK T. WALLACE was born in Vermont, in 1820; studied law, and was admitted to the bar in Litchfield, Connecticut, in 1844; and settled in Berkshire county, Massachusetts, in 1845. He was elected a member of the state legislature in 1848; and, in 1853, a member of the convention to revise the state constitution. He came to Cleveland in 1854, and has been officially connected with the municipal government, as a member of the city council, in 1856-57, and as assistant city solicitor from 1875 to 1881. While in the latter position, he performed the main labor of codifying the city ordinances, under the general directions of solicitor Heisley. During all his career, and especially in later years, Mr. Wallace has made continued use of his pen, and is an able, polished and interesting writer, as his book, "Men and Events of Half a Century," and many pamphlets and newspaper and magazine articles attest.

JOHN COON was born at Ballston Spa, Saratoga county, New York, on July 28, 1822; removed to Cleveland in 1837; graduated at Yale College in 1847; studied law at Cleveland, in the office of Andrews, Foote & Hoyt, and was admitted to the bar in 1848. He served at Washington as confidential clerk for Hon. Thomas Ewing, the first secretary of the interior, from March, 1848, until July, 1850, when the death of President Taylor ended Mr. Ewing's connection with the cabinet. He returned to Cleveland, and, by appointment of the treasury department, superintended the completion and occupancy of the United States Marine Hospital in that city. He became joint owner and publisher of the *Cleveland Herald*, with J. A. Harris, George A. Benedict, A. W. Fairbanks and W. J. May, and continued in the management of that journal until 1853, when he entered upon the practice of law, in partnership with M. R. Keith. Mr. Coon was city solicitor of Cleveland from 1855 to 1857; was actively employed in practice in 1861, when he entered the army as paymaster, and served as such, mainly in the army of the Cumberland, until the end of the war. He then returned to Cleveland and resumed the practice, wherein he has since continued.

JAMES HOSSACK was born at Cobourg, Canada, on March 5, 1841; graduated at Victoria University, of Cobourg, Canada, in 1861; was admitted to the bar in 1864,

and practiced law in the same place until 1870; then removed to Cleveland, where he has since resided and practiced law, having been admitted in 1871, by the Supreme Court, at Columbus, and the United States Courts, at Cleveland. He was mayor's clerk, and clerk of the board of improvements, of Cleveland, for two years, from 1883 to 1885, during the term of Hon. John H. Farley, mayor of the city. From March 1, 1885, to the present time, he has been private secretary to Hon. Henry B. Payne, United States senator.

D. W. GAGE was born September 26, 1825, at Madison, Lake county, Ohio, and attended district school until he was seventeen years of age, when he prepared for college in Twinsburg Institute, Painesville Academy and Madison Seminary; but, at this time, a severe spell of typhoid fever prevented his course in college. He studied law with S. B. Axtell, in Painesville, in 1848 and 1849, and finished with Williamson & Riddle, in Cleveland, in 1852-53, and was admitted to the bar in the Winter of 1853-54, at Columbus. He began practice in Cleveland, continuing until 1868, when he removed to Iowa, where he remained five years in practice. He then returned to Cleveland, and since remained here. While a resident of Iowa, he held the position of United States commissioner for that state, and since his return to Ohio has been one of the leading spirits in the Prohibition movement. He was one year associated with Eli Bruce, as partner, and two years with C. G. Canfield.

JAMES H. HOYT was born in Cleveland, Ohio, on November 10, 1852. He graduated at Brown University, Rhode Island, in 1874; studied law with Spalding & Dickman, one year; and then attended Harvard Law School, from which he graduated in 1877. He returned to Cleveland, and entered practice as a member of the firm of Willey, Sherman & Hoyt, which continued until 1881, when the new partnership of Sherman & Hoyt was formed, continuing until 1889, when Mr. Dustin was added, and the name changed to Sherman, Hoyt & Dustin.

M. M. HOBART was born at Amherst, Massachusetts, March 26, 1846, where he spent his boyhood in assisting in the work of the farm and attending public school. He prepared for college at Williston Seminary, East Hampton, Massachusetts, and entered Amherst College in the Fall of 1868, from which institution he graduated; with honor, in 1872. In the Fall of that year, he entered Columbia Law School, in New York City. His health failing, however, he was compelled to suspend for a time, and spent about a year traveling in Europe. In the Fall of 1874, he resumed his law studies at Columbia, and graduated in May, 1875, and was admitted to the bar in New York, then in Massachusetts, and still later in Ohio. In July, 1875, Mr. Hobart located in Cleveland, and soon succeeded in building up a good business. In 1877-

78, Mr. Hobart was acting city prosecutor, and, in 1880, was appointed, by President Hayes, supervisor of the United States census for the sixth district of Ohio. In 1881-82, he was clerk to Mayor Herrick and the board of improvements, holding those offices one term. At the municipal election, in 1888, he was elected councilman from the fourteenth ward, and upon the organization of that body he was chosen its president, serving one year in this capacity.

JOHN C. HUTCHINS was born in Warren, Trumbull county, Ohio, May 8, 1840. He first went to school in Warren, and then at Oberlin College. In 1861, he enlisted in the 2d Ohio cavalry, serving two and one-half years as a private, and first and second lieutenant. He was afterwards connected with the pay department at Washington. In 1865, he went to the Albany Law School, graduating from that institution, and was admitted to the bar in Mahoning county, this state. He came to Cleveland in the Fall of 1868, and formed a partnership with Judge J. E. Ingersoll. He was afterwards associated with Hutchins, Campbell & Johnson. Mr. Hutchins was elected county prosecuting attorney in 1877, running considerably ahead of his ticket (Democratic.) He was the Democratic candidate against Hon. Amos Townsend, for Congress, in 1880, but was defeated. He was elected police judge in the Spring of 1883, and re-elected in 1885. Retiring from the police bench in 1887, he resumed the practice of law in Cleveland. He was the Democratic candidate for common pleas judge in 1888, but was defeated by Geo. B. Solders, the Republican nominee. He is now a member and secretary of the Cleveland board of public library managers.

ALEXANDER HADDEN was born at Wheeling, West Virginia, on July 2, 1850. When about five years of age, his parents moved to a farm on the Ohio river, near Parkersburg. Two years later, they moved to Euclid township, Cuyahoga county, where, until he reached the age of sixteen, Alexander went to the district school, and to the High School at Collamer. He then went to Oberlin College, from which institution he graduated in 1873. He commenced the same year to study law, in Cleveland, in the office of Spalding & Dickman, with whom he remained until he was admitted to the bar, in October, 1875, before the District Court of this county. Mr. Hadden began practice at once in Cleveland, being fairly successful, until February, 1882, when he was appointed assistant county prosecuting attorney. In the Fall of 1884, he was elected prosecuting attorney, for three years, and, in 1887, was re-elected, now serving his second term.

ALBERT H. WEED was born in Paterson, New Jersey, October 28, 1848, of Yankee descent. His early education was conducted at home, under his mother's instruction. In 1856, his parents moved to Oberlin, and he attended the public schools there. He

afterwards went into Oberlin College, and graduated from that institution in 1872, with the degree of B. A., and afterwards received the degree of A. M. After spending a year in Wisconsin, he attended Ann Arbor College one year, in the study of law. He came to Cleveland in the Spring of 1874, and continued his studies in the office of G. E. & J. F. Herrick. He was admitted to practice in the Spring of 1875, by the Supreme Court, at Columbus. Since 1875, his residence has been continuously in this city. In 1876, Mr. Weed was elected justice of the peace, which office he held one term of three years. In 1879, he formed a partnership with Frank E. Dellenbaugh, and, in 1885, the firm became Everett, Dellenbaugh & Weed.

PETER ZUCKER is a native of Austria, having been born near the city of Vienna, on September 18, 1856. He came to America with his parents, in 1859, the family locating in Cleveland. He attended the public schools during all of his educational career, and graduated from the Central High School in 1873, being then sixteen years of age. He at once began reading law in the office of Eddy & Gaylord, and was admitted to the bar on his twenty-first birthday. He opened an office and began business, confining his practice to civil cases, which is still his custom. Mr. Zucker has been a member of the Cleveland board of education for three consecutive terms, being elected the first time from ward twenty-two, then strongly Democratic. The next two terms he represented school district thirteen, comprising two wards, by increased majorities. He was also president of the board, elected the first time by a Democratic majority in the board, and the second time by a "tie board." Mr. Zucker is a director in the manual training school, and free cooking school. He was also secretary of the depositary commission of the city of Cleveland, created under a recent statute. Mr. Zucker has made the study of Cushing one of close application, deeply interesting himself in parliamentary practice, and is considered one of the best parliamentarians in the city. He is a Republican, and takes an active part in politics.

LEONARD WATSON is one of the firm of Watson & Thurston, patent attorneys, both gentlemen having come from Chicago within the past four years. Mr. Watson, who first opened the office alone, was born near Binghamton, in the county of Broome, New York, May 25th, 1856; his father, who was also a patent attorney, doing business in Washington. The family removing to Ashtabula, he was sent to the public schools for a few months, but soon a private tutor was secured, and most of his early education was received from this source. When about fourteen years old, he went to Brooklyn Polytechnic Institute, where he remained about four years. He attended Columbia College Law School, in New York City, two years, and then went into the law office of Henry R. Selden, in Rochester, N. Y., remaining with him a year and a

half. In the Fall of 1877, he went back to Columbia Law College, and graduated from that institution in 1878. He was admitted to the bar, in New York City, immediately after graduating, and, coming west, took a position as private secretary to his father, at Ashtabula. In the year 1879, he was admitted to the Pennsylvania bar, where he conducted some cases. In the Summer of 1880, Mr. Watson went to Denver, Colorado, and opened an office there, remaining until the Fall of 1883, when he went to Chicago, and associating himself with Coburn & Thatcher, patent attorneys, took charge of their soliciting business, until December, 1886. In January of the next year, Mr. Watson came to Cleveland, and opened a patent law office, conducting it until October, when he was joined by Mr. Thurston, whom he had known in Chicago, since which time the firm of Watson & Thurston has existed in Cleveland, conducting patent business exclusively.

EDWARDS W. LAIRD was born at Mesopotamia, Trumbull county, Ohio, on June 16, 1842. When nineteen years of age, he began school teaching, which he continued for three years, and then engaged in merchandise, in his native town. In 1870, he removed to Mississippi, where for two years he acted as a clerk for the state legislature, and at the same time carried on the study of law. In 1872, he removed to Elk Point, Dakota, where he engaged in business, served as justice of the peace, as county commissioner, and for a time as assistant territorial superintendent of instruction. In 1876, he removed to Cleveland, where he entered the office of Marvin, Hart & Squire, completed his studies, and entered upon general practice. In 1879, he became the partner of A. J. Marvin, Esq., and with him, and in the firm of Marvin, Laird & Norton, he remained in practice until the close of his life. He had long been in failing health, against which he struggled with quiet courage; and, since the notes were gathered for this brief sketch, he passed into the other life. He died in Cleveland, on August 11, 1889.

J. H. WEBSTER, the efficient recording secretary of the Cleveland Bar Association, was born at Portsmouth, N. H., November 8, 1846. He is a graduate of Yale University, of the class of 1868. His legal studies were pursued in the office with James Mason and W. J. Boardman, of this city. He was admitted to this bar in 1870, and has since remained here. He has been largely connected with the settlement of estates, besides conducting a general law business. In January, 1885, he formed a partnership with E. A. Angell, which still continues.

JESSE H. MACMATH was born in Moorefield, Harrison county, Ohio, December 28th, 1833. In 1849, he entered Franklin College, at New Athens, Ohio, after having acquired a good common school education. He left college before completing



J. M. Keobach

the full course, to study under a private tutor. He began the study of law in 1853, in Cadiz, Ohio, in the office of Judge Bostwick, and was admitted to the bar, at Steubenville, in 1855. He began his practice at Cadiz, and was elected prosecuting attorney of Harrison county, in 1855, which office he held four years. He then continued to practice until 1862, when he was commissioned consul general, accredited to the Emperor of Morocco, by President Lincoln. This position he held until 1869. In 1865, he was made United States commissioner to negotiate a treaty with eleven foreign nations, which was most successfully accomplished. While in Morocco, he made frequent trips into Spain, and learned to speak, read and write the Spanish language fluently. After his return from abroad, he located in New Philadelphia, Ohio, where he remained two years, when he came to Cleveland to practice, in 1872. In the Fall of 1875, he was elected common pleas judge of this county, serving one term, since which time he has devoted his time to the practice of law in this city.

E. J. BLANDIN was born on July 13, 1843, in Hornby township, Steuben county, New York. He was admitted to the bar, in Cleveland, in September, 1875, since which time he has engaged in active practice. In 1883, he was elected to serve an unexpired term as judge on the Common Pleas bench, serving two years. After his retirement from the Common Pleas Court, he again engaged in the general practice of law.

EDSON B. BAUDER was born in Circleville, Pickaway county, Ohio, October 11, 1848. He attended the public schools until he graduated, in 1867. He then went to Ohio Wesleyan University, at Delaware, and graduated from that institution in 1870. The college conferred the degree of A. M. upon him in 1880. He graduated from Michigan University, at Ann Arbor, in 1873, when he received the degree of LL. B. He then returned to Circleville and practiced one year, when he came to Cleveland, and has now been fifteen years in active and successful practice in this city. During the years 1877-78-79-80, he was master commissioner by appointment of the Common Pleas Court, discharging the duties of that office to the satisfaction of the court and citizens. In 1881, Mr. Bauder was elected to the chair of medical jurisprudence, by the faculty and trustees of Cleveland Homœopathic Hospital College, and two years ago was elected professor of medical jurisprudence. From 1886 to 1889, Mr. Bauder was president of the North-eastern Ohio Alumni Association. In 1889, was elected president of the Young Men's Building and Loan Company, of Cleveland, and is its attorney. He is a member of Oriental Commandery, No. 12, Knights Templar, Cleveland, Ohio, having been a mason for a number of years; is P. V. G. of Columbia Lodge, No. 32, I. O. O. F., Circleville; and a Past Chancellor of Philos Lodge, No. 64, Knights of Pythias, Circleville.

T. H. JOHNSON was born at Vincennes, Indiana, on February 13, 1847. He attended the common schools and the Western Christian College, and then took up the study of law with Samuel Judah, at Vincennes. This was in turn followed by a course at the Indiana State University, from which he graduated in 1869. He then went to Kansas and entered upon the practice of his profession, serving as prosecutor of Cowley county, and also two terms as probate judge. He came to Cleveland in 1875, and formed a partnership with N. A. Gilbert, which was terminated in 1882, since which time he has continued in the practice alone.

OSCAR J. CAMPBELL was born at Cuba, New York, April 27, 1846. His early days were spent on a farm, attending district school part of each year, and two terms in Alfred Academy. When he was fourteen years of age, he went to Ravenna, and attended public school. From September, 1863, to September, 1865, he was paymaster's clerk in the army, stationed at Washington. At the close of the war, he entered the University of Michigan, graduating in 1870. For one year after graduating he was instructor in mathematics in the high school at Ann Arbor, at the end of which time he came to Cleveland and commenced the study of law in the office of Hutchins & Ingersoll, and was admitted to the bar of Ohio in September, 1872. He then attended the law department of Michigan University, and graduated therefrom in 1873. In February of that year, he was appointed deputy clerk of the Court of Common Pleas, and in July following of the Superior Court of Cleveland, at its organization, where he remained until April, 1874, when he formed a partnership with John & John C. Hutchins. When John C. Hutchins was elected to the police bench, the firm was dissolved, since which time Mr. Campbell practiced his profession alone, until January 1, 1890, when he again entered into partnership with John C. Hutchins, under the firm name of Hutchins & Campbell.

THOMAS A. MCCASLIN was born September 30, 1863, at McVile, Armstrong county, Pa. Was educated at Elder's Ridge Academy, Elder's Ridge, Indiana county, Pa. Studied law with Mix, Noble & White, and was admitted to the bar June 7, 1888, and became partner with Thos. L. Johnson, January 2, 1889.

WILLIAM HEISLEY was born in Williamsport, Pennsylvania, on June 18, 1834. In June, 1857, he came to Ohio and entered upon the study of law, and was admitted in June, 1858. He commenced practice at Quincy, Illinois, but soon came to Cleveland, and went into practice with W. S. Kerruish. The firm of Kerruish & Heisley continued for a year, when Mr. Heisley practiced alone until 1870, when he formed a partnership with W. C. Bunts, which continued until Mr. Bunts was elected city solicitor. Mr. Heisley then took his student, Arnold Green, into partnership, and soon

after John W. Heisley joined with them, the firm being Heisleys & Green. In April, 1875, Mr. Heisley was elected city solicitor of Cleveland, and in the beginning of his term he so conducted his office that he gained the confidence of the people, and at the expiration of his first term of two years the law had been so changed that the term thereafter was four years, and Mr. Heisley was nominated by the Democracy for re-election. The result was that the Republican ticket was elected by majorities ranging about one thousand, but Mr. Heisley was re-elected by a majority of 1,878, thus running about three thousand ahead of his party ticket. In 1870, Mr. Heisley was the candidate of the Ohio Democrats for secretary of state, but was not elected. He was a member of the Cleveland city council, from 1866 to 1868. Mr. Heisley long since earned a reputation as one of the best orators of the West, and, as a political stump-speaker, he has few equals in the land.

T. K. DISSETTE was born in Bradford, Simcoe county, Canada, on September 22, 1838. Was educated in the common and classical school there, and entered the ministry of the M. E. church of the North Ohio Conference, in 1864, and remained in the ministry until 1875, filling the stations at Bolivar, Millersburg, Ontario, Ashland, Berea, and at Lorain street, Cleveland. He entered the Cleveland Law School in 1874, graduated, and was admitted to the bar by the Supreme Court of Ohio in 1875. He formed a law partnership with W. E. Sherwood, Esq., which expired in 1876; was in partnership with William Mitchell, Esq., from June, 1878, to July, 1879; and with M. W. Cope, from July, 1880, to July, 1885; and from January 1, 1885, to the present time has served as assistant prosecuting attorney for Cuyahoga county, having charge of the solicitor's department. In 1864, Mr. Dissette served as chaplain in the Christian commission before Petersburg and Richmond, in the ninth corps, army of the Potomac; and, in 1879 and 1880, as captain of company B, of fifteenth Ohio national guard.

WILLIAM T. CLARK was born in Malmsbury, Wiltshire county, England, on December 14, 1845, and came with his parents to this country in 1857. He had been to school very little up to the time of his arrival in America, but soon after coming to Cleveland he started to Brownell school. He attended school but three months, when he felt that he should be earning something, and so went into a machine shop to learn the trade of a machinist, continuing at this work until 1860. In January, 1862, when but sixteen years of age, he enlisted in the first Ohio light artillery, battery K. He served three years and one month in General Howard's corps, General Schenck's division, participating in all the engagements of that division. He was mustered out of service in February, 1865, at Nashville, coming immediately to Cleveland, going to

work for the Star Oil Company, and studying at night. This sort of work was continued for about five years, when he added the study of law. This he continued until 1872, when he was admitted to the bar, having been associated with W. S. Kerruish, and attending the Cleveland Law College. Mr. Clark was elected to the Ohio legislature in the Fall of 1887. While a member of that body, he became a candidate for police judge of this city, but was defeated. He made the acquaintance, at Columbus, of Hon. C. L. Weems, also a member of the lower house, and the two formed a law partnership, which has just begun business under the name of Clark & Weems. Mr. Clark was ordained a minister in the Baptist church, in 1879, and filled the pulpit at Rochester, Ohio, regularly, for about nine years. He was also a missionary of that denomination for the city of Cleveland, for two years.

A. G. CARPENTER was born September 25, 1849. For several years, he attended district school of his native town, and afterwards entered the Ohio Wesleyan University, at Delaware, Ohio, taking a classical course, and graduating in 1873. He then attended the law department of the University of Michigan, graduating from that department in 1876. He was admitted to the bar the year previous, and immediately after graduating came to Cleveland, and has since continued in the practice of his profession here. From 1876 to 1884, he was one of the firm of Foster & Carpenter, and since that time has been a partner of Mr. Young, under the firm name of Carpenter & Young.

W. F. CARR was born at Canal Fulton, Ohio, in 1848. He removed to Illinois when a small child, and remained until the Fall of 1872, when he returned to Ohio. He read law with General E. B. Finley, of Bucyrus, Ohio, and was admitted to practice in the state in 1875. He shortly afterward removed to Cleveland, and has been a member of this bar ever since. Was a member of the firm of Emery & Carr from 1876 to 1879, when Mr. Emery removed to Bryan, Ohio. The firm of Carr & Goff was formed in 1885, and continued to exist until 1890, when the firm of Estep, Dickey, Carr & Goff was formed.

SEYMOUR F. ADAMS was born on July 3, 1837, at Vernon, Oneida county, New York; was educated at Hamilton College, Clinton, New York, and graduated in 1858. He studied law at the University of Albany, New York, and was admitted to the bar in 1861, and commenced the practice of law in Lewis county, New York. In 1865, he was elected the district attorney of Lewis county. In 1867, he came to Cleveland and went into partnership with Judge Jesse P. Bishop for the practice of law, under the firm name of Bishop & Adams. In 1877, L. Jesse P. Bishop entered the partnership, and the firm then became Bishop, Adams & Bishop. In 1881, Judge Bishop died, and

the firm then became and still is Adams & Bishop. In 1862, Mr. Adams enlisted for three years, and was mustered in as second lieutenant in the 5th New York heavy artillery; promoted to first lieutenant and then to captain, and the last two years served as acting assistant adjutant-general on the staff of General Max Weber and General John D. Stevenson, commanding the division and military district of Harper's Ferry, West Virginia. He was mustered out in 1865, having served three years.

NORMAN A. GILBERT was born in Clay township, Iowa, on August 2, 1846. The death of his father, in 1850, left the mother with a large family of children to provide for and educate. She soon after gave up the home farm and removed to West Farmington, Ohio, where Norman A. attended the common schools and Western Reserve Seminary. In 1862, when not quite sixteen, he enlisted as a drummer in the 171st Ohio volunteer infantry, but, once safely sworn in, he traded the drum for a musket, and carried it to the end of his enlistment; when, re-enlisting in other regiments, he served until near the end of the war. He entered the office of Jones & Case, at Youngstown, Ohio, where he read law for two years, and attended law college for six months, and was admitted in August, 1867. He first settled in Marysville, Union county, Ohio, where he was very successful, and removed to Cleveland in 1871, where that success has been continued. He has served for four years as a member of the Cleveland city council, filling the office of vice-president of that body, and the chairmanship of the committee on finance and judiciary committee.

GEORGE L. CASE was born October 5, 1842, at Sharon, Medina county, Ohio. After obtaining a good common school education, he entered the academy at his native town, completing the course there. He studied law at Columbia College, taking a two years' course in that institution, and graduating therefrom in the Spring of 1880, when he was admitted to the bar of New York. He practiced his profession in that state for a little over two years, when he came to Cleveland, and was admitted to practice in this state in June, 1883, since which time he has been an active member of the Cleveland bar. Mr. Case is one of the leading Prohibitionists of the state, and has engaged actively in the interests of his party since 1871. He has been for three years chairman of the county executive committee, member of the Ohio state executive committee, and was for two years treasurer of the latter. During the war, Mr. Case served a part of the time in the quartermaster's department, at Nashville, Tennessee.

S. M. EDDY was born in Monroe county, New York, in October, 1840. He graduated from the Western Reserve College in 1864; read law in the office of Backus & Estep, and was admitted to the bar in 1868. Since then he has practiced in Cleveland, being at one time a member of the firm of Eddy & Gaylord, but now of the firm of

Eddy & Parker. Mr. Eddy served one term as prosecuting attorney of Cuyahoga county, to which he was elected in 1875, and also two terms as assistant prosecutor. During the war of the Rebellion, he served for five months in the 85th Ohio volunteer infantry.

FRANK E. BLISS was born December 10, 1852, in Chicago, Ill. When he was five years of age, his parents went to Michigan, where Frank was put through the common and high schools, graduating in 1869. He then went to Michigan University for four years, completing the course and graduating in June, 1873. From 1873 to 1877, he was engaged in civil engineering. In the Fall of 1877, he entered the law department of Michigan University, graduating therefrom in the Spring of 1879, when he was admitted to the Michigan bar. In July of that year, Mr. Bliss came to Cleveland, and began practice in the office of Herrick & Herrick. He resided in this city until 1881, when he removed to Brooklyn Village, but continued his practice in the city. He was a member of the village council four years, and in the Spring of 1888 he was elected mayor of Brooklyn, which position he still holds with honor and credit.

WILLIAM B. BOLTON was born January 7, 1853; education—common school, and graduate of Portsmouth, Ohio, High School. He came to Cleveland, 1873, and studied law under Judge Samuel E. Williamson. He was admitted to the bar in 1881, and was appointed assistant solicitor of the New York, Chicago & St. Louis Railway Company in 1882. Upon the reorganization of that company, in 1887, he was appointed assistant general counsel of the reorganized company, and is still occupying that position.

CLUCAS W. COLLISTER ably fills the position of assistant county prosecuting attorney, having been selected by Mr. Hadden, upon the accession of that gentleman to the office of prosecutor, in January, 1885. He was born March 8, 1858, in this city. He went to the Cleveland public schools until he was seventeen years of age, when he accepted a position as book-keeper with J. E. Copperfield, builder and contractor. November 28, 1878, he commenced reading law in the office of N. A. Gilbert, remaining with Mr. Gilbert until December, 1880, when he was admitted to the bar, at Columbus, before the Supreme Court, beginning practice immediately upon his admission, alone, until July, 1881, when he was appointed assistant prosecutor of the police court, under J. B. Fraser, prosecutor. In the Spring of 1883, Mr. Collister was nominated by the Republicans for police prosecutor, but the Democrats carried the city that year and he was defeated, with the rest of the ticket, and returned to private practice, until chosen by Mr. Hadden as his assistant in the office of county prosecuting attorney.

SAMUEL D. DODGE was born in this city, August 25, 1855. He received an education from private tutors until he reached the age of fifteen years, when he was sent to Graylock Institute, at South Williamstown, Massachusetts, preparing for college. In 1873, he entered the '77 class at Williams, and graduated in July, 1877, taking the degree of A. B. He then went to Columbia Law School, remaining two years, and receiving the degree of LL. B., graduating in 1879. While at Columbia College, he read law with Haskell, Stetson & Stedman, and on his return to Ohio was admitted to practice by the Supreme Court, at Columbus. Coming to Cleveland, he occupied the office with Henderson & Kline, and a short time with E. J. Blandin, when he formed a partnership with Hon. John Hutchins, which lasted two years. On March 15, 1886, he received the appointment of assistant United States district attorney for the northern district of Ohio. In 1884-85, he was a member of the board of education from the fifth ward. He has been for four years a member of the examining board of police applicants, still holding that position. Mr. Dodge is an active Democratic politician, and has frequently stumped the county in the interest of his party.

CHARLES J. ESTEP is the son of the late J. M. Estep, who was a leading lawyer at Cadiz, Harrison county, this state, where Charles was born on July 23, 1858. After graduating from the high school of his native town, he was sent to Wooster University, where he spent three years in study. He early chose the profession of law as his future occupation, and left college at the end of his third year to begin reading the mysteries of Blackstone, in the office of his father. He applied himself studiously for two years, when he was admitted to practice, remaining in the office with his father, as his partner. May 1, 1884, his brother, William G. Estep, was admitted to the bar, and, taking his place with his father, Charles came to Cleveland and opened an office here. In the Spring of 1887, he was nominated, on the Democratic city ticket, for police prosecutor, and elected. His ability in this office was so marked during his first term that he received a renomination by acclamation by his party, and by the aid of Republican votes was re-elected in the Spring of 1889, being one of the only two Democrats elected on the ticket. During Judge Hutchins's occupancy of the police bench, Mr. Estep was called to take his place for a few weeks, and did it with considerable credit.

EDWIN J. FOSTER was born April 14, 1847, in Strongsville, in this county, where he worked upon the farm and attended country school; later, attending Baldwin University, Ohio Wesleyan University, and Boston University Law School. Has been associated in the practice of law with Messrs. Hinsdale and A. G. and R. Carpenter. Visited Europe in 1849. In 1885, he retired from practice, having become interested in real estate. Has erected several large blocks, and done much to improve that part

of the city around Huron, Sheriff and Middle streets. He has never been a real estate agent.

ARNOLD GREEN was born in the county of Lenox, Province of Ontario, Canada, where he received the most of his education. He read law with William Heisley, of this city, and was admitted to the bar, at Cleveland, in the Fall of 1869, and has practiced here ever since, with the exception of the period from February, 1875, to February, 1878, when he held the position of clerk of the Supreme Court of Ohio. He was a member of the Cleveland city council, from April, 1881, to April, 1885, and was a member of the committee appointed by the Supreme Court for the examination of applicants for admission to the bar, during the years 1885-86-87.

ELISHA W. GODDARD was born on February 14, 1842, in Windham, Vermont, and is a descendant, on his mother's side, of John Rogers, who was burned at the stake in England, in the seventeenth century, on account of religious belief. He was educated at Beloit, Wisconsin, having gone there in 1855, with the family. While going to school, the war broke out, and young Goddard enlisted in the 1st Wisconsin regiment, for three months, on April 19, 1861. At the expiration of his term, he re-enlisted in the same company for three years, serving, in General Patterson's division, in engagements at Fall River, Stone River, Murfreesboro, and other bloody fields. He was badly injured, and was sent home to die, as was supposed, in March, 1863, but survived, and, in January, 1869, he came to Cleveland, and studied law with Canfield & Caskey. He was admitted to the bar in September, 1871. In 1873, he was elected justice of the peace, and held the office three consecutive terms, until 1882, since which time he has practiced his profession here.

E. D. STARK was born in Montgomery county, New York, and prepared for college at Whitesboro, and attended Hamilton College. He taught school a couple of years, and then went into the lecture field, where he labored for eight or ten years. He attended the Cleveland Law School, under Hayden and Crowell; practiced a year at Springfield, Ohio, in partnership with Geo. Richardson; and, on the latter's decease, returned to Cleveland, remaining in company in the practice a few months with R. E. Knight, and since that time alone.

JOHN M. HULL was born in Clarksville, Pennsylvania, January 12, 1859. He went through the common schools of Greenville, near where he lived, afterwards attending Thiel College three years, and St. Basil's College, Toronto, Ont., three years. He began reading law in the office of A. D. Gillespie, of Greenville, remaining with him one year. He then went to New Castle, and read with Samuel W. Dana two years, and was there admitted to the bar in September, 1883. He practiced in New Castle a

short time, and was nominated as a candidate for the Pennsylvania legislature, but declined the honor, and came to Cleveland in the Summer of 1884. Just before coming to Cleveland, he was a delegate from New Castle to the Democratic national convention, at Chicago, which nominated Grover Cleveland for president. Upon Mr. Estep's election to the office of police prosecutor, Mr. Hull was appointed his assistant, and served fourteen months in that capacity. At that time, he was succeeded by his brother, Clement V. Hull, in the police prosecutor's office. Since then he has been engaged in general practice.

NORTON T. HERR was born in Huntington, Lorain county, Ohio, April 26, 1862, his father being one of the leading business men of Wellington. He went through the common schools of Wellington, and then to Cornell University, where he graduated in 1882. He spent a year in Columbia Law School, in New York City, and then came to Cleveland, into the office of Boynton & Hale, in September, 1883, studying with them until his admission to the bar, in February, 1884. He remained with Messrs. Boynton & Hale, as an assistant, until January 1, 1888, when he was taken into the firm as a partner. In May, 1887, with Alton A. Bemis, he published a text-book on "Municipal Police Ordinances," which had a very good sale.

WILLIAM M. HAYDEN was born in Warrensville, Cuyahoga county, Ohio, July 22, 1849. He is a grandson of Elder William Hayden, of the Disciple church, and one of the founders of Hiram College, and with whom he lived after the death of his father, which occurred when William was three years old. Until he was fourteen years of age, he attended the country school near Chagrin Falls, in the Winter, and working on the farm in Summer. He also spent eight terms at Hiram College. In 1865, he spent one year at the university at Westerville, Ohio. He began reading law in Philadelphia while holding the position of clerk and book-keeper in a mercantile house, studying nights and working day-time. He completed his law studies with D. W. Gage, of Cleveland, and was admitted to the bar December 20, 1888. While preparing for the practice of law, he studied shorthand writing, and he is now engaged in this work in connection with his law practice.

JOHN P. GREEN is the only colored lawyer in Cleveland, and, as a consequence, monopolizes most of the practice of his people. It must not be understood, however, that his practice is confined to the colored race, as his cases are perhaps as numerous and important as most of his white brethren of his years. Mr. Green was born in Newburn, N. C., April 2, 1845, his father being a mulatto, and his mother a quadroon, both being free at the time of John's birth. His father was born a slave, but bought his own liberty at the age of twenty-three, paying therefor one thousand dollars. He

died when John was but five years old, leaving his wife and son penniless. They came to Cleveland in 1857, where John attended the public schools as opportunity would permit, and worked at various occupations as he could. In 1866, he entered Cleveland High School, having meantime studied algebra, Latin and English grammar, while working, and using his savings in paying for a little home for his mother. Taking a classical course, he graduated from the High School in 1869, having by this time completed the payments on his mother's home. He then began the study of law with the late Judge Jesse P. Bishop, and after final study in the Cleveland Law College he graduated from that institution in 1870, having been reading privately some time before this. He went to South Carolina, and was admitted to the bar there, but was compelled to return to Cleveland on account of ill-health, and has since continued practice in this city. In April, 1873, he was elected justice of the peace, and served three terms in that office, a total of nine years. He was, so far as known, the first colored man elected to any judicial position in the North. In 1877, Mr. Green was one of the Republican nominees for representative to the legislature, but was defeated by a small majority. He was renominated, in 1881, for the same position, and was elected. After serving one term acceptably, he was renominated by acclamation, but went down with the whole Republican ticket. Since that time, he has studiously practiced his profession in all the courts in Cleveland, and has won several cases from some of the oldest and best lawyers before the Cuyahoga courts. In 1889, he was again nominated for the legislature, and elected by a plurality of 3,201.

ROMAN RICHARD HOLDEN was born in Bridgeton, Maine, on September 9, 1854; was educated at Shaw Academy, Collamer, Ohio, and Western Reserve College. He began the study of law in the office of Henderson & Kline, and was admitted to both state and federal courts in 1877, and entered into the practice in Cleveland. In connection with his brother, L. E. Holden, and C. H. Buckley, Mr. Holden began negotiations which culminated in the purchase of the *Plain Dealer* and *Herald*, in 1884. Mr. Holden was made a director and treasurer in the new company, and editor-in-chief of the reorganized *Plain Dealer*, and has since devoted his entire time to the interests of that journal.

THOMAS L. JOHNSON was born May 29, 1855, at Mingo, Champaign county, Ohio. His education was derived from the county schools and National Normal School, of which latter institution he was also a teacher for a couple of years. He did not graduate from college, but took the usual college course, with the help of a tutor, while teaching. His legal education was obtained at the law school of Boston University, graduating therefrom in 1878. He came to Cleveland in the Fall of that year, and

entered the office of Hutchins & Campbell as a law student, and was soon after admitted to practice, when he formed a partnership with D. A. Mathews, which continued about two years. In 1881, he became a member of the law firm of Hutchins, Campbell & Johnson; afterwards Hutchins, Stewart & Johnson; now Stewart & Johnson.

GEORGE HESTER was born in Columbiana county, Ohio, December, 1831; graduated from Mount Union College, Ohio, in 1858; read law with Alexander Bierce, of Canton, Ohio, and Cleveland Law College, graduating from the latter in May, 1862. Was admitted to practice in the United States courts, May 31, 1862, and into state courts, June 11, 1862. Was elected a justice of the peace in April, 1864, and held the office, by re-election, until April, 1870. Was a private in the one hundred days' service, in company D, 150th Ohio volunteer infantry, from May to August, 1864, being assigned to duty in the District of Columbia.

HERMON A. KELLEY belongs to the family for whom Kelley's Island was named, and was born on the island May 15, 1859. He is a graduate of Buchtel College, Akron, Ohio, taking the degree of B. S., in 1879, and A. B., in 1880. His legal education has been more thorough than usually falls to the lot of most young men, he having been an attendant at Harvard Law School, in this country, and Göttingen University, in Germany. He was admitted to the bar of Ohio, March 7, 1883, and shortly afterward to the bar of Michigan. He practiced his profession eight months in Detroit, when he removed to Cleveland, in December, 1883, and has remained here since that time. September 1, 1885, he formed a partnership with Arthur A. Stearns, under the firm name of Stearns & Kelley, which has since existed.

C. V. HULL was born November 7, 1863; was educated at Greenville, Pennsylvania, and Toronto, Ontario. He read law with Carr & Goff, and was admitted to the bar March 1, 1887. He is at present assistant police prosecutor, and has been a member of the city council, from the sixteenth ward, for two terms.

F. H. GOFF was born at Blackberry, Kane county, Illinois, on December 15, 1858. He graduated from the University of Michigan, at Ann Arbor, with the degree of Ph. B., in 1881; was admitted to the bar, in June, 1883; and has been a partner of W. F. Carr, under the firm name of Carr & Goff, since October, 1884. The firm of Carr & Goff was dissolved on January 1, 1890, Mr. Carr and Mr. Goff becoming members of the firm of Estep, Dickey, Carr & Goff.

JOSEPH T. LOGUE was born in Northfield, Summit county, Ohio, on July 10, 1849. He attended the public school in that village until he was sixteen years of age,

when he went into the mercantile and manufacturing business, continuing about four years, studying meantime with his father, who was highly accomplished in the knowledge of the languages. He afterwards went to Akron, and into the office of Wildes & Emerson, with whom he read law for about a year, when he came to Cleveland, entering the office of Brinsmade & Stone. He studied here another year, when he was admitted to the bar April 20, 1876. He opened an office, and has since continued the practice of law alone, the last twelve years of this time being located in the City Hall. In the Spring of 1888, Mr. Logue was elected to the city council, and has been one of the most active members of that body, being chairman of the judiciary and department examination committees, two of the most important in the council. Mr. Logue has been quite active as a member of the municipal reform committee, having in charge the formation of a plan for the better government of the city. He was one of the committee which visited Philadelphia to examine the method of government of that city.

FRANCIS C. McMILLIN'S early education was obtained at the common schools of Shelby, Ohio, where he was born. In 1871-72, he attended Hiram College; and from 1872 to 1876, at Bethany College, West Virginia, where he took the degree of A. B. In May, 1877, he was admitted to the bar, at Mansfield, and coming to Cleveland began practice with William Robinson, Esq. He afterwards went into partnership with W. C. Ong, which partnership still exists. Besides an active law practice, Mr. McMillin is president of the Cleveland Electrical Manufacturing Company, with which industry he has been connected since its organization.

HOUSTON H. POPPLETON was born near Belleville, Richland county, Ohio, March 19, 1836. After receiving a good education at the public schools of Belleville, he entered Wesleyan University, at Delaware, Ohio, in 1853. His attendance there was not continuous, and he did not graduate until 1858. During the Winters, he taught school. In September, 1858, he entered the law office of Stevenson Burke, at Elyria. He studied with that gentleman one year, and then went to Cincinnati Law College, going through the entire course, and graduating April 16, 1860. He was admitted to the bar, at Cincinnati, the same day. He went to Elyria and practiced law with Judge Burke and others until 1873, when he was appointed general attorney for the Cleveland, Columbus, Cincinnati & Indianapolis Railroad Company, in which capacity he still remains.

PERRY PRENTISS was born at Warrensville, this county, April 25, 1834; was educated in the public schools of Cleveland, and at what was then the Cleveland University, Asa Mahan, president, on the south side of the city. He obtained his legal

education with Mason & Estep, of this city, and was admitted to practice in 1855, at the age of twenty-one. He was once assistant county prosecutor, and was a private in the 150th Ohio national guard, as well as captain in the 198th Ohio volunteer infantry. He was for eight years engaged in the hardware business, at Detroit; and at Alpena, Michigan, two years in the lumber business. He has always pursued the practice of his profession alone, and is now practicing it in Cleveland.

JOHN R. RANNEY was born in Warren, Ohio, October 6, 1851. His education was obtained in the Cleveland public schools, Phillips Exeter Academy and Harvard College. He read law in the office of his father, Hon. Rufus P. Ranney, and also attended the law school of Michigan University. He was admitted to the bar of Ohio April 5, 1876, and to the United States Court April 28, 1876. He formed a partnership with Henry C. Ranney in the same year in which he was admitted to the bar, which continued until 1888, as Ranney & Ranney, when Judge Henry McKinney was taken into the firm, which then became Ranneys & McKinney.

FRANKLIN B. SKEELS was born at Brecksville, in this county, January 25, 1858. He attended common school, teaching more or less in the meantime, until he was eighteen years of age, when he went to Buchtel College, at Akron, for two years. While attending college, he began the study of law in the office of the late M. S. Castle, and on September 2, 1879, was admitted to the bar by the District Court of this county. Since then he has been engaged in active practice in this city. In April, 1885, he was elected prosecuting attorney of the police court, which position he held for one term of two years.

ARTHUR A. STEARNS was born at Olmsted, in this county, July 18, 1858, where he spent his boyhood days in school. He was graduated from Buchtel College in the class of 1879, and went to Harvard University, law department, graduating from there in 1881. He then returned to Cleveland; was admitted to the bar, and began practice December, 1881. In the Fall of 1883, he was one of the Republican nominees for state representative, but was defeated with the rest of the ticket. Since January, 1887, he has held the position of general agent and trustee of Buchtel College, and has given one lecture a week upon educational subjects, under the auspices of Buchtel College. September 1, 1885, he formed a law partnership with H. A. Kelley, which still exists under the name of Stearns & Kelley.

THEODORE L. STRIMPLE was born near Mansfield, Ohio, April 25, 1859. After attending a country school a few years, he attended Baldwin University, graduating in 1884, with the degree of Ph. B. Then he began reading law with Chandler & Wilcox, continuing two years, and was admitted to the bar June 1, 1886. Before commencing

the practice of his profession, he published a paper called the *Court Record*, in company with Frank M. Chandler. This continued but a short time, when he became a partner with Frank N. Wilcox, and the two gentlemen have since practiced law together. Mr. Strimple taught school about ten years, and was appointed county school examiner September 1, 1889, which position he now holds.

ROBERT D. UPDEGRAFF was born November 23, 1847; educated at private school, Mount Pleasant, Ohio; Earlham College, Richmond, Indiana; University of Michigan, Ann Arbor, Michigan. At the latter institution, he took the law course, graduated in 1869, and was admitted, at Ann Arbor, by the Circuit Court, in 1869; in Ohio, at Cleveland, in the same year, as also to the United States Courts. Was elected police judge of this city, holding the office one term.

FRANK N. WILCOX was born in Brecksville, Cuyahoga county, Ohio, June 15, 1855. He attended country school until 1871, when he went to Oberlin College, and between studying and teaching in the country he spent about five years. He then began the study of law with Prentiss, Baldwin & Ford, of Cleveland, continuing until the Fall of 1878, when he was admitted to the bar. He opened a law office in the Wick Block, and has since continued in general practice, being at present associated with T. L. Strimple.

THOMAS PIWONKA was born in New York City, September 10, 1854; began his education at district school; came to Cleveland, and started in at public school, passing successfully through the high school department. He studied law with Wilson & Skyora, also at Ohio State and Union Law College, graduating from the latter, and being admitted to the bar in September, 1876. Has never held any public position.

WILLIAM BYRON NEFF was born in Winchester, Preble county, Ohio, April 30, 1851. Until he was nineteen years old, he attended the common schools in Van Wert, Ohio, and then went to Ohio Wesleyan University, at Delaware, spending four years at the latter place, but leaving in his senior year. He then went back to Van Wert to study law, entering the office of Alexander & Saltzgaber, the leading law firm of that town. Remaining with this firm two years, he entered the law school at Cincinnati, from which he graduated in the Spring of 1876. He was admitted to the bar in Cincinnati, and came to Cleveland in May, 1876, since which time he has practiced his profession here, in partnership with his brother, O. L. Neff.

A. ST. JOHN NEWBERRY was born in Cleveland, December 17, 1853. He received a good common school education, and was sent to Phillips Academy, at Exeter, in 1872. He also attended Harvard College, graduating from there in 1876, with the

degree of A. B. He read law with Messrs. R. P. & H. C. Ranney, of this city, and was admitted to practice in October, 1878, but remained with Messrs. Ranney altogether four years. He still practices in this city, with offices in the Perry-Payne building.

JOHN O. WINSHIP was born at Gorham, Maine, on September 9, 1838. He was apprenticed to the blacksmith's trade, at the age of thirteen, with two and a half years' schooling, in the Winter; but being determined upon an education, secured it by a course at Gould's Academy, in Bethel, and the college at Lewiston. At the opening of the war, he promptly enlisted for three years, and was mustered into service in company A of the 5th Maine infantry, as orderly sergeant. He served as acting lieutenant at the first battle of Bull Run. In consequence of an attack of measles and exposure while the regiment was moving into Virginia, he was under medical treatment, and after the battle of Bull Run was discharged for physical disability. Having partially recovered, in the Spring of 1862, he re-enlisted as a private, but upon physical examination was rejected; was again rejected by the surgeons, in 1863, when an applicant for the colonelcy of colored troops; served as volunteer nurse at Armory square hospital, at Washington, for several months in the latter part of 1863, and served also with the sanitary commission in 1864. After the close of the war, he served as second president of the fifth regiment (Maine) association; joined the Grand Army of the Republic in 1867, and was for many years the judge advocate of the department of Maine; has also represented the department of Ohio in the national encampments of 1885 and 1888. He read law in the office of Davis & Drummond, in Portland, Maine, and was admitted in 1869; and in 1873 formed a partnership with Hon. Josiah H. Drummond. This continued until 1868, when Colonel Winship entered into contract with the Union Mutual Life Insurance Company, and for five years had charge of its law and real estate business in the central department, with headquarters in Cleveland. In February, 1884, he was admitted to the Ohio courts, and in the May following opened an office in Cleveland. Was admitted to the United States Supreme Court in 1887. Colonel Winship is an active Republican leader and speaker. When the act establishing the Ohio working home for the blind became a law, he was, without solicitation upon his part, appointed a member of its board of trustees, elected its president, and yet holds that position.

CAPELL L. WEEMS is a recent arrival in Cleveland, having come here from Noble county, May 1, 1889, and formed a law partnership with Hon. W. T. Clark. He was born in Whigville, Noble county, Ohio, on July 7, 1860. His early education was obtained at the common and normal schools of his native county, and he began

teaching in the village schools of the county when he was but fifteen years old. He continued teaching for several years, with success, meantime taking up the study of law, in the office of Dalzell & McGinnis. He was admitted to the bar in the Fall of 1881, just after becoming of age. He began practice in the Spring of 1883, at Caldwell, Ohio, forming a partnership with Mr. McGinnis, with whom he had studied, the firm of Dalzell & McGinnis having been dissolved by the retirement of the "private." In 1884, Mr. Weems was elected prosecuting attorney of Noble county, serving one term of three years, at the end of which time he was elected to the state legislature as a member of the lower house, and has just finished his term. While there, he arranged to remove to Cleveland and form a partnership with Mr. Clark, which partnership began May 1, 1889, and was dissolved in October, 1889, Mr. Weems and Judge R. D. Updegraff forming a partnership, under the style of Updegraff & Weems.

ORION L. NEFF was born in Winchester, Preble county, Ohio, May 15, 1848. He began his education in the common school, and at the age of thirteen left his books to respond to the first call for troops, enlisting as regimental drummer in the 35th Ohio volunteer infantry, and leaving home August 8, 1861. He served with the regiment thirteen months, participating in all its engagements up to that time. Then his friends, thinking he had seen enough of service for a thirteen year old, sent him home. After his return from the army, he went to Otterbine University, at Wellsville, Ohio, remaining one year; then at Ohio Wesleyan University one year. In 1874, he began reading law in the office of Alexander & Saltzgaber, at Van Wert, Ohio, and, after two years' study, went to Law School at Cincinnati, graduating from the institution in 1876. He was admitted to the bar at Cincinnati, and coming to Cleveland formed a partnership with his brother, under the firm name of Neff & Neff, both having studied, graduated, been admitted, and begun practice together.

HORATIO CLARK FORD, the son of Horatio C. Ford, was born at East Cleveland (now the city of Cleveland), on August 25, 1853. He attended the public schools of East Cleveland; the High School, Cleveland; Oberlin College; and the University of Michigan, and was graduated from the last, after a four years' course, in June, 1875. He studied law with the late firm of Prentiss, Baldwin & Ford; was admitted to the bar in 1878. For six years, from 1879 to 1885, he was a member of the city council, was for one term president *pro tem.*, and for three years chairman of the judiciary committee. He is attorney for the East End Savings Bank, also a trustee and a member of its finance committee.

F. E. DELLENBAUGH (son of Christian W. and Sarah A. Dellenbaugh) was born October 2, 1855, in the village of North Georgetown, Columbiana county, Ohio, but was taken to Cleveland by his parents when considerably less than a year old, where he has since made his residence. His education was received in the district schools of East Cleveland township, in the Cleveland Academy, the East High School, and the Western Reserve College, from which institution he was unable to graduate because of sickness. He studied law in the office of his uncle, Charles D. Everett, Esq., and subsequently in the office of E. Coppe Mitchell, dean of the law faculty of the University of Pennsylvania, and was also a law student in the law department of said university. The honorary degree of Bachelor of Laws was conferred upon him by the Union Law College of Cleveland, Ohio, in 1878. He was admitted to the bar in March, 1878. In 1876, the Centennial Commission appointed him inspector in the finance department of the Centennial Exhibition, which position he filled from May 1 to November 29. Mr. Dellenbaugh practiced law alone from the time of his admission until 1880, and then formed a partnership with Albert H. Weed, under the firm name of Weed & Dellenbaugh. This firm was in existence for about two and one-half years; he then formed a partnership with Marco B. Gary and Charles D. Everett, under the firm name and style of Gary, Everett & Dellenbaugh, which was in existence about one and one-half years, and was then changed to Everett & Dellenbaugh. The firm of Everett & Dellenbaugh was in existence about two years, and was then changed to Everett, Dellenbaugh & Weed, by the admission of Albert H. Weed, Mr. Dellenbaugh's original partner, which last named firm is still in existence. Mr. Dellenbaugh has confined his entire time and energy to commercial and corporation law, as well as the firm of which he is a member.

CHARLES L. SELZER was born in Cleveland, October 6, 1859. When Charles was about five years old, his parents moved to Brooklyn village, this county, where he attended the common school until he was fifteen years of age, when he was sent to the West High School in Cleveland. Here he remained two years, at the end of which time it was decided that he should enter upon mercantile business, starting out as a drug clerk. While engaged in this occupation, a case at law which his employer had in court so interested him in the profession of law that he decided to adopt that instead, and with this view he entered the office of John W. Heisley, studying with him three years, and was admitted to practice in June, 1886. He immediately began business for himself. When he reached the age of twenty-one, so as to make him eligible to the office, he was elected village clerk of Brooklyn, holding the office one term. He was then elected township clerk, holding that position two terms. He was

one of the founders of the *Cuyahogan*, and with Mr. H. M. Farnsworth started the weekly paper of that name, which still exists under another management.

VERNON H. BURKE was born at Saybrook, Ashtabula county, Ohio, December 22, 1865. He attended country school until 1879, and then went to business college in Buffalo, New York, one year, receiving his commercial diploma at the age of fourteen years; then to Notre Dame, Indiana, University, where he graduated in June, 1886, having also studied law at that institution. He was admitted to practice in Ohio June 9, 1887, and began almost immediately in the office of Everett, Delenbaugh & Weed. He was associated a short time with Captain M. B. Gary, as law partner. His most important case, thus far, was as associate counsel in the McFarland murder case, in the Spring of 1889. McFarland was acquitted on the ground of insanity. Burke has been eminently successful as a practitioner, and has established the merited reputation of being a man of strong ability and sound integrity.

HARRISON JONES EWING was born in Southington, Trumbull county, Ohio, on April 14, 1846, and is descended from one of the oldest and best-known families of that section of the state. He was educated at Newton Falls Academy, Canfield Academy, Hiram Institute and Oberlin College; was engaged in teaching school for twelve years, his last employment in that direction being at Lowellville, where he was superintendent and principal from 1872 to 1874. Read law with Hon. M. W. Johnson and A. F. Moore, Esq., of Mahoning, and was admitted to practice at Canfield, Ohio, in March, 1876. After four years' practice in the counties of Mahoning, Trumbull and Portage, Mr. Ewing removed to Cleveland, in 1880. Was a member of the law firm of Robinson & Ewing, 1883-4, and afterwards of Hutchins, Ewing & Buxton, and of Ewing & O'Connor, successively; at present alone. Mr. Ewing came into prominence as attorney for the laboring men during the great strike at the works of the Cleveland Rolling Mill Company, in 1882, and rapidly took front rank at the Cuyahoga bar as an advocate in criminal causes. Politically, Mr. Ewing is a Democrat. He has never held any elective official position. In 1886, he was unanimously nominated, on the Democratic ticket, for the office of common pleas judge for Cuyahoga county, but declined. In the same year, was tendered the nomination for circuit judge in this district, but declined; and again was nominated for circuit judge in 1888, but declined. In the same year he was unanimously tendered the Democratic nomination for Congress in the twentieth Ohio congressional district, but declined. He represented the said twentieth Ohio congressional district in the national Democratic convention in St. Louis, in 1888, and was one of Mr. Thurman's staunchest supporters. Is a member of the Tilden Club of Cleveland, and a prominent Mason.

EDWARD L. HESSENMUELLER, the son of Edward and Wilhelmina Hessenmueller, was born in Cleveland, Ohio, and is now forty-two years of age. He received his early education in the public schools of Cleveland, and finished his academical education at Ann Arbor, in the University of Michigan. He graduated from the literary department of that institution. From there he entered the Albany Law School, in New York state, and, after graduating from that school, made a trip to Europe, and while there entered the University of Heidelberg, in Baden, Germany, where he spent about eighteen months listening to a course of lectures on the Roman law, and to lectures on other subjects. He received his diploma from that university, and, returning to Cleveland, was admitted to the practice of law in Ohio, and since about the year 1875 has been in the active general practice of his profession in Cleveland. He has been associated, as a partner, with C. M. Stone, Esq., and is now a member of the firm of Hessenmueller, Gallup & Bemis.

GEORGE C. WING was born at Bloomfield, Trumbull county, Ohio; attended Phillips Academy, Andover, Massachusetts, about two years, when, in 1867, he entered Harvard College, and was graduated therefrom in regular course in 1871. He thereafter attended the law department of Georgetown University, and in 1873 was duly graduated and admitted to practice. For about three years, he was one of the attorneys for the United States in charge of the defense of suits in the United States Court of Claims. In February, 1883, he was appointed chief of the diplomatic bureau, United States department of state, and held that office until he resigned in May, 1884, to form the law partnership, in this city, of F. J. & G. C. Wing. Since April, 1887, he has been without partnership connections.

F. C. GALLUP was born on January 13, 1855, at Strongsville, Ohio. His education was received in the district schools of his native place, after which he spent two years in the Baldwin University, at Berea. He then attended the Cincinnati Law School, from which he graduated in 1880; was admitted to the bar in the same year, and commenced active practice in Cleveland, where he has since remained. He was for a time a member of the firm of Stone, Hessenmueller & Gallup, and is at present a member of that of Hessenmueller, Gallup & Bemis.

AUGUST ZEHRING was born August 11, 1845, at West Lebanon, Ohio. His education consisted of common school and academic courses, graduating from Baldwin University, Ohio, in 1868. He read law with Barber & Andrews, and at the Ohio Law College. Was admitted in 1871, and has been in active practice since 1875. He enlisted, in 1862, in the 104th Ohio volunteer infantry, serving three years. While educating himself, he taught district school and worked on a farm, as necessity com-

pelled. He also taught in the high school at West Richfield, Ohio, for two years. He is now engaged in practice in this city.

JAMES M. WILLIAMS was born July 22, 1850, in Plainfield, Coshocton county, Ohio, and was educated at Allegheny College, Meadville, Pennsylvania, where he graduated in the class of 1873. He studied law at Coshocton, and was admitted to the bar in September, 1875. He practiced in Coshocton about eleven years, when he removed to Cleveland. He was a member of the Ohio legislature, lower house, in 1886-7, as a Democrat, and was the nominee of his party for judge of the Common Pleas Court in 1888, just after coming to Cleveland, but was defeated with the rest of his ticket. He was a private soldier in company C, 3d United States cavalry, from 1863 to 1865, serving in campaigns in Missouri, Kentucky, Tennessee, Mississippi and Arkansas. He edited the revised statutes of Ohio, in three volumes, in 1883, which was adopted by the legislature and furnished by the state to the judiciary and all state and county officers. He is the author of the proposition to amend the constitution of Ohio, changing the election to November, providing for biennial elections, and single legislative districts; and of the laws providing for the organization and jurisdiction of the Circuit Courts; that the statute of limitation shall run against a married woman; and to define the rights and liabilities of husband and wife.

F. J. WING was born at Bloomfield, Ohio, September 14, 1850; educated at Phillips Academy, Andover, Massachusetts, and Harvard College, class of 1872. Read law in the office of Caleb Blodgett, of Boston; Judge Buckingham, of Newark, Ohio; and Edward Gatch, of Ashtabula. Was admitted at Columbus in January, 1874. Was assistant district attorney for the northern district of Ohio for one year; was law partner of John Coon from 1875 to 1880, and of G. C. Wing from May, 1884, to April, 1887, since which time he has practiced alone.

L. A. WILSON was born July 3, 1847. Was educated in Cleveland public schools, graduating from Central High School June 28, 1865. He then attended the Ohio State and Union Law College here, graduating from that institution July 3, 1871. He was soon after admitted to the bar, and has been in continuous practice ever since, having had cases in all the State Courts, and in the United States Courts and United States Superior Court. He is a law partner of J. W. Sykora, having been associated with that gentleman for many years.

G. H. BARRETT was born in Ireland, in 1846. When a child, he came to America, and has resided in Cleveland for thirty-seven years past. His early education was acquired in the public and parochial schools, and in Baldwin University, from which he graduated in 1870. In 1872, he graduated from the law department of the Uni-



Andrew Liguori

versity of Michigan. He was admitted to the bar and to the Federal Courts in the same year, and has been in active practice in Cleveland ever since. In 1861, Mr. Barrett enlisted, and served as private in the Ohio national guard.

J. WILLIAM BALL was born September 15, 1844, in Ohio City, now the West Side of the city of Cleveland, and educated in the Cleveland public schools and Mercantile College; studied law in the Ohio State and Union Law School of Cleveland; admitted to the bar on July 6, 1875; was engaged in the civil branch of the army during the war. After admission to the bar, he became one of the firm of Ball & Mason, afterwards Ball & Reynolds. He is now engaged in practice alone.

A. W. BEMAN was born at Ravenna, Ohio, July 13, 1834, and was educated at the Ravenna and Hudson common and high schools. Studied law with Hon. Alphonso Hart and Judge Conant, of Ravenna. Was admitted to practice in the State Courts in May, 1863, and to the United States Courts in 1865. Has had several public positions, such as justice of the peace, township clerk, corporation recorder, member board of education, etc., and was a member of the Ohio national guard during the war. During his legal practice, he has been associated with Messrs. Willard, of Ravenna, and Eddy, Gaylord and Cowin, of Cleveland.

HOWARD M. BULL is a direct descendant of Sarah Wells, the first white woman ever seen in Orange county, New York, in which county, at the town of Circleville, Howard was born on February 11, 1854. He lived in Circleville until he was nineteen years old, and attended school at Middletown Academy, Goshen Academy, and Seward Institute, graduating from the latter place in 1873. He came to Cleveland in the Spring of the same year, and began reading law with H. W. Bill and W. C. Rogers. He was admitted to the bar in June, 1885, and has since practiced his profession in this city.

F. H. BIERMAN was born August 30, 1846, and educated in Cleveland at the public schools. He studied law at the Ohio State and Union College, of Cleveland, and was admitted to practice in the United States Courts July 3, 1871, and to the Ohio State Courts in September of the same year. He is now serving his second term as one of the justices of the peace of this county.

ERNEST S. COOK was born in Morenci, Michigan, June 26, 1859. Was educated in Cleveland public schools and Kenyon College, at Gambier, Ohio. Read law with Scribner, Hurd & Scribner, of Toledo, Ohio, and Messrs. Ranney & Ranney, of this city. Was admitted to the bar May 4, 1886, since when he has practiced his profession alone in this city.

MADISON W. BEACOM is a native Buckeye, having been born in Jefferson county, Ohio. He is a graduate of Oberlin College, class of 1879. He read law with T. E. Burton, the present congressman from this district, and was admitted to practice in 1883, remaining in Cleveland since that time.

WALTER G. CLEVELAND was born October 1, 1857, in Cleveland, and received his education in the Cleveland public schools, De Veaux College, Suspension Bridge, New York, and at Michigan University Law School. He also read law in the office of his father, Judge James D. Cleveland, and was admitted to the bar in January, 1880, with the first class examined under the new law. Since that date, he has been assistant to his father in his office business.

JAY COMSTOCK was born at Sandusky, Ohio, January 23, 1860. Attended district school at Ridgeville, Lorain county, until the Spring of 1873, when he came to the public school of Cleveland, completing his education. He read law with Burke & Sanders, and attended the law department of Michigan University, at Ann Arbor. Was admitted to practice by the Supreme Court of Michigan in February, 1883, and by the Ohio Courts in June of the same year. For a time, he was a deputy clerk of the Court of Common Pleas. Was a law partner of Richard Edwards from 1883 to 1885; is now alone in practice.

CULLEN W. COATES was born in Louisville, Stark county, Ohio, December 12, 1843. Was educated at public school in Massillon. Studied law at the Ohio State and Union Law College, Cleveland, and was admitted August, 1871. He was a clerk in the quartermaster's and commissary departments of the Union army from October, 1862, until August, 1866. Was a member of Cleveland city council in 1870-1; justice of the peace, and acting judge of the police court on numerous occasions.

ECKSTEIN CASE was born in Carlyle, Illinois, July 9, 1858, where he attended school until he was fourteen years of age. In 1878, he was appointed a cadet at West Point Military Academy, where he remained two years. He then left the academy to read law, which he began in the Fall of 1880, at Carlyle, Illinois, in the office of Murray & Andrews. In July, 1881, he came to Cleveland, and entered the office of Judge J. E. Ingersoll, reading law with that gentleman for one year, at the end of which time he entered with Ranney & Ranney, remaining with that law firm about a year. In the Fall of 1883, he entered the senior class at Ann Arbor, and graduated from that institution in March, 1884, when he was admitted to the Michigan bar. Returning to Ohio, he re-entered at Columbus in May of the same year, and began the practice of his profession in Cleveland, giving his attention principally to the settlement of estates. This line of practice took him chiefly before the Probate Court, though he has engaged

in general practice to some extent. In July, 1887, he accepted the position of secretary and treasurer of the Case School of Applied Science, which position he has since held. At the death of Mr. Kerr, who was then administrator of the Case estates, Mr. Case was appointed in his place as administrator *de bonus non*, and has since continued in that capacity.

MORTON W. COPE was born on his father's farm, near Smithfield, Jefferson county, Ohio, February 25, 1855. He attended country school until the death of his father in February, 1868, when he came to Cleveland, attending school at Collamer two years, and then again at Smithfield. In the Fall of 1871, he entered what was then known as the East Cleveland High School, and graduated in the first class which came out of that institution after it became a branch of the Cleveland High School in 1873, having completed a three years' course, besides carrying the study of Latin during that time. After spending two years more upon the farm, he again went to high school for the purpose of studying the languages, preparatory to entering college, but, becoming financially involved, he was compelled to abandon all hopes of a college education, and began studying law in the Fall of 1877 with George W. McCleary, in Portland, Ohio. He afterwards studied with George B. Solders, in Cleveland, and was admitted to practice in May, 1880. He then went to Council Bluffs, Iowa, and opened an office, but, not liking the country, he returned to Cleveland and formed a law partnership with T. K. Dissette, which continued until June, 1882, since which time he has conducted business alone.

GEORGE L. DAKE was born at Rutland, Vermont, January 15, 1858, and removed to Cleveland in 1869; was educated in the public schools of Cleveland and State Academy of Vermont. Began reading law with Theo. E. Burton in 1878, remaining two years; was admitted at Columbus in 1880, since which time he has been associated with Mr. Burton, under the firm name of Burton & Dake.

ALEXANDER ELMSLIE was born in Aberdeen, Scotland, July 4, 1848. His early education was limited, but he improved the opportunities afforded by his position as compositor on a morning daily newspaper, and afterward as a merchant. He read law with George A. Groot, of Cleveland, and in the Fall of 1883 was admitted to practice. Most of the time since then he has practiced in Huron county, this state, where he also served one term as justice of the peace. He was admitted to practice in the United States Courts, and has been employed as a teacher and lecturer on commercial law in the Euclid Avenue Business College, in this city. In 1884, he formed a law partnership in this city with Frank B. Crosier, which continued until Mr. Elmslie removed to New London, Ohio, the following year. In April, 1888, he returned, and resumed his practice in Cleveland, where he has since remained.

J. A. OSBORNE was born at Norton, Delaware county, Ohio, on June 25, 1853, the son of Addison Osborne, a well-known lawyer and editor in that portion of the state. While he was yet a babe, his parents removed to Marion county, where he received a common school education; he then entered the office of the Marion *Mirror* and learned the printer's trade, at the same time taking private lessons in mathematics, English and Latin. At the age of seventeen, he successfully took charge of the Marion *Democrat* for a year. This was followed by two years of schooling at Lexington, Kentucky. Returning to Marion, he entered the office of William Z. Davis, as a student, and was admitted to the bar in March, 1876; practiced law in Marion until 1879, and came to Cleveland, where he has since resided. Mr. Osborne has made a specialty of patent law, for which he has specially fitted himself, and has been admitted to all the United States Courts. He has recently formed a partnership with Mr. Harry S. Sprague, a patent solicitor of twenty years' practice. He has always been a Republican, although the son of a Democratic editor, and reared amid strong Democratic influences.

E. A. ANGELL was born at Hanover Center, Chautauqua county, New York, on August 14, 1849. He graduated from Harvard College in 1873, and read law in the Harvard Law School, from which he graduated in 1875. He was admitted to the bar in Massachusetts in 1876, and in Ohio in the same year. He has practiced in Cleveland since; alone until 1884, when he formed a partnership with J. H. Webster, Esq., under the firm name of Webster & Angell.

JOHN E. ENSIGN is a Clevelander by birth, having been born here April 13, 1852. After passing through the lower grades, he was graduated from the Cleveland High School in the class of 1870. He then entered Michigan University, at Ann Arbor, and graduated from there in the class of 1874. He then returned home, and entered the Ohio State and Union Law College, graduating from that institution in 1876. He was admitted to practice in June, 1876, but did not commence until three years later. Mr. Ensign is a member of the first Cleveland troop.

HARRY M. FARNSWORTH was born in Nashua, New Hampshire, September 4, 1861, and with his parents came to Ohio in 1865, locating at Columbus, where he attended the public school five years. The family then removed to Cleveland, where he finished his school education, graduating from the Brooklyn High School in June, 1878. In the Fall of that year, he taught school at Royalton, and one year later began the study of law with C. B. Bernard, Esq., remaining with him until admitted to practice in September, 1882, by the Supreme Court at Columbus. He then began practicing in this city, and has remained here ever since. Mr. Farnsworth has had

some experience as a journalist, being one of the founders of the *Cuyahogan*, a weekly paper still published in Brooklyn village.

FRANK C. FRIEND was born in Bohemia, on November 20, 1862. Brought to America while yet a child, he was educated in the public schools of Cleveland, and graduated from the high school in June, 1881. He commenced the study of law with E. K. Wilcox, Esq., in October, 1881, and was admitted to practice in October, 1884, at the age of twenty-two. Mr. Friend is quite active in politics, being a well-known Republican leader in his section of the city, and was a member of the city council from April, 1885, to April, 1886.

S. S. FORD was born October 7, 1854, in Jefferson county, Ohio; attended common school, and graduated at Allegheny College, Meadville, Pennsylvania, in 1881. He soon after came to Cleveland, began the study of law with Ong & McMillin, and was admitted to the bar in June, 1884. In November, 1886, he formed a law partnership with C. J. Estep, under the name of Estep & Ford, which now exists.

GEORGE C. FORD was born at Norwalk, Huron county, Ohio, March 24, 1863. His education was obtained in the common and high school until he entered Adelbert College, of Western Reserve University, from which he graduated in the class of 1884. He then began the study of law in the office of Williamson, Beach & Cushing, afterwards attending the Harvard Law School. He was admitted to the bar on October 6, 1888, opened an office for himself in this city, and is now engaged in the practice of his profession here.

J. G. POMERENE was born on September 10, 1845; was educated in the common and a select school; clerked for a time in a country store, and taught school; read law with his uncle, J. C. Pomerene, of Coshocton, Ohio; graduated in the class of 1868, law department of Michigan University; and was admitted at Canton, Ohio, in June of the same year. He located in Cleveland in the following August, entering the office of Grannis & Henderson, and subsequently that of S. O. Griswold, where he remained until he formed a partnership with W. A. Seafert. He then formed a partnership with Hon. W. C. McFarland, under the firm name of McFarland & Pomerene. As a law student, Mr. Pomerene had taken up the study of short-hand, and because of the special advantages offered in that profession in Cleveland at that time, entered upon the business of law reporting, which he has since continued, and is now a member of the firm of Pomerene & Davies, his partner being Mr. Henry J. Davies, one of the expert stenographers of the West. In 1878, Mr. Pomerene established the *Cleveland Law Reporter*, which he conducted for two years, publishing therein short-hand reports of the decisions of the State and Federal Courts of the city. These decisions were

digested along with those of the Supreme Court in the standard digests of the Supreme Court reports.

JAMES R. GARFIELD, the second son of the late President James A. Garfield, was born at Hiram, Ohio, October 17, 1865. After his father became president, he removed with the family to Washington, where he attended the schools of the district. He also attended St. Paul's School, at Concord, New Hampshire, and Williams College, graduating from that institution with the class of 1885. His legal studies were begun at the Columbia Law College, which, with a clerkship in law offices, fitted him for actual practice, which he began about two years ago, in partnership with his brother, Harry R. Garfield.

FREDERICK GREEN was born in Parma, Ontario, April 27, 1858. Educated at the common schools. Came to Cleveland, and studied law under direction of James E. Wright and Arnold Green; was admitted by the Supreme Court of Ohio in October, 1879. He has been a deputy clerk of the Supreme Court commission, executive clerk, governor's private secretary, and is now a clerk in the city auditor's office of Cleveland.

A. T. HILLS was born near Plymouth, Richland county, Ohio, October 20, 1854. His education was begun while a farm lad in the district school of his native county; then he was two years in the village high school, followed by a year's study of Greek and Latin, under private tutorship, closing with the four years' classical course at Wittenberg College, Springfield, Ohio, graduating with the class of 1880. He read law two years in the office of Dirlam & Leyman, of Mansfield, Ohio, and, after admission in May, 1882, came to Cleveland, and began practice with Walter S. Mitchell in August of that year. In the Spring of 1884, Mr. Mitchell left the city, locating in Louisville, Kentucky, and Mr. Hills became associated with Messrs. Gary and Gilbert, under the firm name of Gary, Gilbert & Hills, which relationship lasted about one year. Captain Gary then retired, and the firm has since been Gilbert & Hills.

EDMUND HITCHENS is a native of Nova Scotia, having been born at Barrington, June 14, 1852. He attended the schools of his native town until about fifteen years of age, when he was sent to Baldwin University, at Berea, remaining at that institution five years, graduating in 1877. During this time, he taught school from 1874 to 1880; and, taking up the study of law, he was admitted to the bar in June, 1880, and has practiced his profession in Cleveland ever since. He was elected a justice of the peace in April, 1886, and again in April, 1889, now serving his second term.

HARRY A. GARFIELD, the eldest son and child of the martyred president, was born at Hiram, Portage county, Ohio, October 11, 1863. He was educated at public

and private schools at Hiram, Washington, St. Paul's at Concord, New Hampshire, and Williams College, graduating from the latter in the class of 1885. He attended the Columbia Law School, and one term of lectures at All Souls' College, at Oxford, England. Immediately upon his admission to the bar of this state, he formed the partnership with his brother, James R. Garfield, which still exists.

FRANK HIGLEY was born near St. Paul, Minnesota, March 16, 1859. He first started to school at Bristolville, Trumbull county, in this state, but soon afterward came to Cleveland, where nearly all his education was obtained, graduating from the Central High School in 1877. He attended the law department of Michigan University, at Ann Arbor, and graduated in 1883. He also studied in the office of S. M. Eddy, of this city, and was admitted to the bar in December, 1883, most of the time since which he has been engaged in practice here. During the year 1884, he held the position of deputy clerk of the Supreme Court of Ohio.

MELANCTHON C. HART was born December 15, 1846, in Farmington, Trumbull county, Ohio. His course of education began in the common school; thence to Western Reserve Seminary, at West Farmington, Ohio, where he spent four years, and later one year at Allegheny College, at Meadville, Pennsylvania. He read law in the office of Hutchins, Glidden & Steele, Warren, Ohio, and was admitted to the bar May 5, 1871. He was elected clerk of the court of Trumbull county in 1873, which position he filled for two terms of six years. He was a private in company H, 171st Ohio volunteer infantry, serving through the war. Is now practicing his profession in this city.

ALVIN F. INGERSOLL was born in Cleveland, October 5, 1859. He passed through the public schools of this city, from the lowest to the highest, graduating from the Central High School in June, 1879. After spending two and a half years at Western Reserve College, at Hudson, he began reading law with Burke, Ingersoll & Sanders, of this city, and was admitted in December, 1885. Since that time until January 1, 1889, he remained in the office with the above firm, but on that date the firm was dissolved, and a new firm, Burke & Ingersolls, was created, of which he became the junior member, the other two members being Judges Stevenson Burke and J. E. Ingersoll.

M. B. JOHNSON was born on December 16, 1862, in the township of Elyria, Lorain county, Ohio. His education, until he was fourteen years old, was just such as he could get from time to time, when he entered the Elyria High School, and took a four years' course. He afterwards attended Oberlin College two years. While attending college, he taught school in Lorain county, and studied law with Metcalf &

Weber, of Elyria, spending his vacations, and as much other spare time as he had, in this pursuit. He was admitted to the bar May 6, 1884, and shortly afterward went into partnership with his preceptors, which continued until the Fall of 1886, when he accepted the position of attorney for the White Sewing Machine Company, with offices in this city. He afterwards formed a law partnership with H. H. Johnson, practicing general law business in connection with his duties as attorney for the White Company.

HOMER H. JOHNSON was born in Hartland township, Huron county, on June 26, 1862. When he was six years of age, his parents removed to New London, Ohio, where he went to public school until 1878. He then attended Oberlin College, as also Amherst, and graduated from Oberlin in June, 1885, taking the degree of A. B. In 1885, he went to Cambridge Law School, taking the degree of LL. B. in June, 1888, and also the second degree of A. M. at the same time. In the Fall of 1888, he came to Cleveland, and formed a partnership with M. B. Johnson, which still exists.

THOMAS M. KENNEDY was born in the southern part of Ireland, on May 26th, 1859. There he attended the national school until about twelve years of age, when he came with his parents to Canada, where he resided until June, 1879. There he learned the trade of blacksmithing, serving an apprenticeship of three years; meantime attending night school, and improving his education as much as possible under the circumstances. In June, 1879, he came to Cleveland, and worked at his trade several years. In the Fall of 1882, he went to Western Reserve University, and graduated from that institution in June, 1884, receiving the first prize in an oratorical contest. He then spent two years at Adelbert College, Cleveland, and, in 1886, began reading law in the office of Ong & McMillin. In the Fall of 1887, he went to the Law School in Cincinnati, graduating from there in the Spring of 1888, and taking the degree of LL. B. He then returned to Cleveland, and began practice in the office with Ong & McMillin. He made friends rapidly, and in the Spring campaign of 1889 was a strong candidate for the nomination for police prosecutor on the Republican ticket, but was unsuccessful.

CHARLES F. LEACH was born in Utica, New York, June 19th, 1862. In 1872, his parents removed to Westfield, New York, where he attended the academy, graduating therefrom in June, 1878. He began reading law in February, 1880, in the office of Neff & Neff. Ill health compelled him to seek a more salubrious climate, and he located for a time in Denver, Colorado, where he continued his studies. He was admitted to practice in Denver, and spent a short time in traveling throughout the West, partly for the benefit of his health, and partly in search of a desirable location for

the practice of his profession. In October, 1884, he returned to Cleveland, and took a desk in the office of Neff & Neff, with whom he still remains.

ROGER M. LEE was born at Garrettsville, Portage county, Ohio, on September 6th, 1864. He went through the common schools at Garrettsville, after which he spent four years in Oberlin College, and two years at Ann Arbor, Michigan, taking the law course at the latter place, and graduating from there in the Spring of 1886. He then came to Cleveland, and went into the office of Marvin, Laird & Norton, reading with that firm about three months, when he was admitted to the bar in October, 1886, and began practicing his profession by assisting the above firm. He is now in the office with Harvey D. Goulder, Esq.

GEORGE W. McDONALD was born at Newton Falls, Trumbull county, Ohio, July 7th, 1846. He attended the public schools of the village until he was seventeen years of age, when he went into the oil country, remaining two years, and making considerable money. The close of the war rendered his oil properties almost worthless, and he was as poor as when he began. He then went to Hersey, Michigan, and began the practice of law without ever having seen the inside of a law book. He was favored with good luck, and won his first case without any knowledge of legal terms, or the meaning of them. He soon got an opportunity of studying them, however, and went into the office of John H. Standish, of Grand Rapids, where he applied himself studiously, and, by reading two hundred pages a day, succeeded in passing an examination in three months, and was admitted to the Michigan bar, and at the same time to the United States Courts. He formed a partnership with Rogers, Clay & McDonald as its members, and practiced there until the Spring of 1874. From 1874 to 1881, he was engaged in real estate business in the South, and then accepted the position of labor commissioner for the Denver & Rio Grande railroad, with headquarters at Denver. In 1884, he came to Ohio, and took an active part in stumping the state for Blaine. After the close of that campaign, he located in Cleveland, where he has since practiced his profession.

JOSEPH M. NOWAK was born in Cleveland, January 1, 1854. His education was obtained in the public schools of this city, completing the course by a term in the Spencerian Business College. He began studying law in 1875 in the office of Brinsmade & Stone, and was admitted to the bar two years later. After admission to practice, he became a partner of Colonel Brinsmade, which relationship existed one year, then with J. A. Smith one year. In the Spring of 1888, Mr. Nowak was elected to the city council from ward 24, on the Republican ticket, being the first Republican elected from that ward for six years, it being Democratic by about four hundred

majority. His services in the city council have been efficient in obtaining improvements for his ward, and he is popular and a leader among his people. Mr. Nowak also enjoys, as attorney, an extensive and remunerative practice, perhaps equal to any of the younger members of the profession.

MINER G. NORTON was born May 11th, 1857, at Andover, Ashtabula county, Ohio. He prepared for college at Jefferson High School, and graduated from Mount Union College in the class of 1878. He studied law with Northway & Fitch, at Jefferson, and graduated from Yale Law School in the class of 1880, and was admitted to the Ohio bar at Columbus in September, 1880. The following year he took a post-graduate course at Yale Law College, M. L. degree, class of 1881. He has been a member of the Cleveland Grays since September, 1881, and was a member of the firm of Marvin, Laird & Norton from October, 1882, to January 1st, 1889, since which time he has been in practice alone.

JAMES B. PASKINS was born March 6th, 1863, at Simcoe, Ontario, where his education, common school and collegiate, was obtained. He studied law with Samuel M. Eddy, of this city, and was admitted to the bar December 2d, 1885. Mr. Paskins took out his final papers on August 4th, 1886, and became naturalized as an American citizen on that date. He has remained in Cleveland since his admission to the bar, and is still practicing here.

TRUMAN D. PECK was born October 12th, 1828, at Middlebury, New York. Was educated in the public schools; came to Cleveland, studied law, and was admitted September 12th, 1876. For fifteen years he has been one of the justices of the peace in and for said county.

THOMAS ROBINSON is a native of New York City, having been born and educated in that city and state. He is a graduate of Columbia College Law School, and also a graduate in medicine. For some time he was associate judge of the municipal court of St. Paul, Minnesota, but for some years past has practiced in Cleveland.

WILLIAM M. RAYNOLDS was born at Painesville, Ohio, May 3d, 1851, where he went to school until he was fifteen years of age, when he went to military school at Poughkeepsie, New York, two years. From there he went to Kenyon College, at Gambier, Ohio, graduating from there in 1873. He then came to Cleveland and attended Union and Ohio State Law College, graduating in 1874, and was admitted to the Cleveland bar in the same year. He has since practiced in this city. His law practice is mostly in real estate and corporation business. He was chairman of the city Republican central committee one term, which ended last Spring, showing himself to be a political manager of ability.

H. L. VAIL, the son of the late Judge I. C. Vail, who presided over the Cleveland Police Court, and gave his life to the service of his country, was born in Cleveland, and, after a course in the Cleveland schools, went to the Wesleyan University, at Delaware, Ohio, where he graduated in 1879. He then spent a year upon the literary staff of a company engaged in the publication of county histories, and in November, 1880, accepted a position upon the city staff of the Cleveland *Herald*. He remained there two years and a half, and then entered the law office of Judges Burke & Sanders, and began the study of law. He also acted as city editor of the Cleveland *Voice*, and correspondent of the Cincinnati *Enquirer* until admitted to the bar. He began the practice of law in 1888, although admitted some time previously, having in the meantime been engaged in building upon some property belonging to his father's estate. Mr. Vail is now engaged in practice.

ALBERT E. LYNCH was born at Prescott, Ontario, Canada, October 24, 1860. Came to Cleveland when seven years of age; received his education in the schools of the city, graduating from the High School in 1878. He was engaged as correspondent for an oil firm about a year, studying shorthand in the meanwhile. In the Winter of 1879-80, he was engaged as a reporter upon the Cleveland *Herald*, and had entered upon a newspaper career of promise, when he received an advantageous offer from the firm of M. D. & L. L. Leggett, attorneys, to enter their service as shorthand reporter, which he accepted. By advice of Gen. Leggett, he entered upon the study of law, under that gentleman, and in December, 1882, was admitted to the State Supreme Court. In January, 1887, he was admitted to the United States Supreme Court, having also been admitted to the United States Circuit Courts. From the time of his admission to the present, Mr. Lynch has been in the continuous employ of the Messrs. Leggett as assistant in their law department, and is associated with them in a large number of causes pending throughout the country, his practice being confined almost exclusively to patent cases. He was appointed a United States commissioner for the northern district of Ohio in January, 1889; has been president of Grace church guild for two years; and secretary of the Central Musical Association for the same length of time.

J. J. HOGAN was born in Ontario, on May 1, 1859, his parents up to that time having resided at Syracuse, New York. The family afterwards removed to East Saginaw, Michigan. The death of his father, while he was yet a child, threw him upon his own resources, and he passed through the life of a farm boy, with the usual Winters' schooling, until he was sixteen years of age. By hard work and economy, he succeeded in graduating from the High School. He then taught school and clerked

for several years, in the meantime preparing for college; but accepted an advantageous position with R. A. Alger & Co., at Detroit, where he remained for four years. In 1883, he relinquished this for the purpose of entering upon the study of law, for which he had early conceived a peculiar liking. Under the guidance and direction of a friend, a learned professor, he applied himself diligently for a year to the study of the English classics, at the expiration of which time he began the study of the law in Detroit. He removed to Cleveland shortly after, where he continued his legal studies, and was admitted to the bar in February, 1886. He opened an office, and in the Spring of 1887 became a member of the firm of Athey, Melichar & Hogan.

WILLIAM L. RICE was born at Wilmington, Delaware, in 1862; was educated in the Pennsylvania Military Academy as a civil engineer; studied law at Norwalk, Ohio, and was admitted to the bar when twenty-one years of age. He immediately entered the office of Adams & Russell, at Cleveland, as an employee, and practiced with them for four years, when the firm was changed to Russell & Rice.

A. G. MELICHAR was born at Kralup, Bohemia, on November 8, 1861, and came to Cleveland when but four years of age. He was educated in the public schools of the city, and was admitted to the bar in April, 1886. He entered into partnership with J. L. Athey in 1886, under the firm name of Athey & Melichar, and that subsequently became Athey, Melichar & Hogan, which it is at present. Mr. Melichar was elected to the board of education from the nineteenth district, on the Democratic ticket, in the Spring of 1888.

BENJ. C. STARR was born at Westmoreland, New Hampshire, on July 1, 1848. He was fitted for college at Exeter, New Hampshire, and graduated from Harvard in the class of 1877. He then studied law at the Harvard Law School for one year, and afterwards in the office of Grannis & Griswold, at Cleveland, and was admitted to the bar in April, 1879. He formed a partnership with Hon. S. O. Griswold on February 1, 1883.

S. H. CURTISS was born on May 27, 1846, in Summit county, Ohio; graduated from Western Reserve College in 1867; studied law with Prentiss & Baldwin, at Cleveland, and was admitted in 1869. He succeeded his father in the firm of Smith & Curtiss, wholesale dealers in teas, coffees, etc., at Cleveland.

WILBUR PARKER was born at Titusville, Pennsylvania, on May 28, 1858. He graduated from Yale in 1880; read law with W. S. Kerruish and Wiley, Sherman & Hoyt, which was followed by one year at the Harvard Law School. He was admitted in November, 1882, and has since practiced in Cleveland.

WALTER THIEME was born at Cleveland, Ohio, on April 18, 1867. Was educated in the Cleveland common schools and High School, followed by two years at the University of Michigan, at Ann Arbor. He studied two years with Judge George B. Solders, and was admitted to the bar on December 6, 1888. On January 1, 1889, he formed a partnership with W. D. Pudney, Esq.

JOSEPH C. BLOCH was born in Hungary, on October 24, 1855, and gained his education by his own efforts, and through the promptings of a laudable ambition. He read law in Cleveland with W. S. Kerruish, Esq., and took a complete course in the State University, at Iowa City, Iowa. He was admitted to the bar in 1880, and has since continued a successful practice in this city.

J. H. SAMPLINER was born in Cleveland, Ohio, on January 23, 1857; was educated in the city schools, and graduated from the Central High School. He then attended the College of Liberal Arts, at Boston, Massachusetts, and also the Boston University School of Oratory. He read law in Cleveland with Boynton, Hale & Horr, and was admitted to the bar in October, 1888.

E. C. SCHWAN was born in Cleveland, on July 11, 1854; was educated in the Cleveland public schools, and afterwards attended Concordia College, at Ft. Wayne, Indiana. He was admitted to the bar in 1876, and has since practiced here, at one time as a partner in the firm of Gilbert, Johnson & Schwan. Mr. Schwan has taken considerable interest in public affairs, serving for two years as a member of the city council from the eighteenth ward. He is at present commissioner of insolvents for Cuyahoga county.

W. B. HIGBY was born in Solon, Cuyahoga county, Ohio, on August 31, 1844. He was educated at Bissell's, Twinsburg, Ohio, followed by courses at the Hiram Eclectic Institute, Williams College, Massachusetts, and Bethany College, West Virginia. He read law in the office of N. Richardson, Esq., of Wheeling, West Virginia. Was admitted to the bar in 1870, and has remained in active practice ever since. Mr. Higby served in the 103d Ohio volunteer infantry two years, as corporal and sergeant, and for one hundred days in the 150th Ohio volunteer infantry.

JAMES W. STEWART was born in Mercer county, Pennsylvania, in 1848. Educated in the common schools and Westminster College. Studied law with Hutchins & Campbell, of Cleveland, and was admitted in 1876. Was associated, as partner, with J. B. Buxton, formerly police prosecutor of this city, now of Kansas City; and is now one of the law firm of Stewart & Johnson. He is also a member of the board of education.

EMIL JOSEPH was born on September 5, 1857, in New York City; was educated in Columbia College, and admitted to the bar in 1881. Locating for the practice of his profession in Cleveland, he was in partnership with N. A. Gilbert from 1881 to 1883, and with General E. S. Meyer from 1883 to 1885, since which time he has practiced alone.

S. A. SCHWAB was born September 3, 1853; was educated in the Cleveland public schools. He studied law in the offices of Hon. Rufus P. Ranney and S. E. Williamson, and was admitted to the bar in September, 1875, and has since remained in practice in this city.

JOSEPH W. SYKORA is a native of Bohemia, and was born at Nivezic, March 21, 1840. He was educated in the public and high schools of Tisek, and at the University of Prague. After coming to America, he located in Cleveland, and attended the Ohio State and Union Law College, which was then in existence here, where he received a legal education. He was admitted to practice in 1871, and since that time has been associated with L. A. Wilson, as partner, in the practice of his profession.

G. G. SOWDEN was born at Port Hope, Ontario, Canada, on May 16, 1855. He came to the United States in 1872; was educated in the public schools and Trinity Preparatory College; and commenced the study of law in 1877, in the office of J. P. Dawley, Esq. Mr. Sowden was admitted in 1881.

CHARLES GRANGER CANFIELD was born in Mantua, Portage county, Ohio, on June 8, 1852. His parents, George W. Canfield and Jannett L. Merryfield, married in 1842, were native to the soil of the Western Reserve, where they were born and lived for seventy years, occupying a high position for business and social life among the pioneers. Charles G. Canfield entered the Eclectic Institute, at Hiram, Ohio, to prepare for college, in 1864. In 1866, the Institute was reorganized as Hiram College, and he continued his studies at Hiram and Alliance Colleges until the Fall of 1867, when he entered the scientific optional course of Cornell University, where he remained, pursuing special scientific and literary studies, until the Spring of 1872. Having finished his studies at Cornell, Mr. Canfield entered the law department of Michigan University in September, 1872. In 1874, he finished the course of law, and graduated with honors, having been chosen by his class to participate, with three others, in public debate, which was then a popular exercise of the graduating classes. He was admitted to the bar of Michigan, at Detroit, in 1874, and immediately thereafter was admitted to the Ohio bar, at Columbus, being one of the first applicants to pass a severe examination under the new rules, which was conducted by a committee of the State Senate. Mr. Canfield then entered the law office of Canfield & Caskey,

to study practice under the code, which he continued six months. In the Spring of 1875, he opened an office for himself, and, in 1876, formed a copartnership with D. W. Gage, Esq., which continued for three years. Since then, Mr. Canfield has remained alone in the practice, devoting a portion of his time to scientific and mechanical subjects, in which he takes great interest, and figures somewhat as an inventor, having received several patents on his inventions. In his practice and business, Mr. Canfield is known as a courteous, sympathetic gentleman. He has ever maintained a character of sterling integrity in his business, and is uniformly respected by his brethren. Since finishing his college studies, Mr. Canfield has resided in Cleveland, and quietly pursued the practice of law.

WILLIAM E. TALCOTT was born at Jefferson, Ohio, October 25, 1862. Was educated at the schools of his native town, graduating from Jefferson High School in 1877; the Business College at Poughkeepsie, New York, in 1878; Mount Union College, Ohio, with the degree of A. B., in 1882. Then, continuing, he went to Yale College, attended the law department, and graduated in 1884, with the degree of LL. B. He took post-graduate course, with the degree of M. L., June, 1885. Was admitted to the bar in the State of Connecticut in June, 1884; practiced in New Haven as managing clerk for Baldwin, Townsend & Whiting, and, later, with Townsend & Watrous, until November, 1885. He then removed to Akron, Ohio, and entered upon practice there. He was examined, and admitted to the bar in Ohio, December, 1885. After remaining at Akron one year, he removed to Cleveland, accepting the position of attorney in the claims department of the New York, Pennsylvania & Ohio Railroad, in which capacity he is still engaged. In July, 1889, he was elected secretary of the Ohio State Bar Association.

CHARLES ZUCKER was born December 25, 1866, in Cleveland. He completed a common school education, and graduated from High School when sixteen years old. After leaving school, he went into the office of his brother, Mr. Peter Zucker, and studied law with him until he was twenty-one years of age, when he was admitted to the bar in June, 1888. Having been associated five years with his brother in practical legal work and training, he stepped into a good practice at the start, and, although less than two years in the practice of his profession, has conducted several good paying cases, and is already among the most active young lawyers of the city.

JOHN W. TYLER was born May 4, 1841, at Newbury, Geauga county, Ohio. He received a good common school education, and is a graduate of Oberlin College, class of 1867. He taught school for eight years, while attending himself, from 1860 to 1868. He studied law at the Ohio State and Union Law College, of Cleveland, and was ad-

mitted to practice at Mansfield, in May, 1862. He was a member of company B, 171st regiment Ohio national guard, from May 2 to August 20, 1864. Was county school examiner of Lake county six years, and prosecuting attorney, same county, two years. Was in partnership with Judge Canfield and I. S. W. Canfield, at Painesville, and after coming to Cleveland in April, 1876, was associated, as partner, with Amos Denison, as Tyler & Denison, from January, 1876, to October, 1886. Is engaged alone now.

NICHOLAS P. WHELAN was born in Utica, Oneida county, New York, December 25, 1859. Went first to district school, then to Whitestown Seminary, in Oneida county, New York, for three years, finishing for a teacher; but being anxious to go to college and become a professional man, his father consented to his attendance at Niagara University, New York, where he remained for six years, graduating in classics and the sciences, as well as natural and moral philosophy. A few years later, he entered the office of Wm. A. Lynch, and began the study of law. He entered the law department of Michigan University in the Fall of 1886, and graduated from that department in June, 1888. He then came to Cleveland and opened an office for business.

LOUIS H. WINCH was born in this city, June 16, 1862, and his education was all obtained here, having passed successively and successfully through the public schools, the Cleveland High School, and Adelbert College, graduating from the latter institution with the degree of M. A. He studied law with Judge Joel W. Tyler, and was admitted to practice in Cleveland, December 16, 1886. He is now in the office with Ong & McMillin.

SAMUEL STARKWEATHER, JR., son of the late Judge Samuel Starkweather, was born at Cleveland, on April 3, 1835; was educated at the Cleveland High School and Brown University; read law in the office of Spalding & Parsons, and was admitted in 1857. He served in the war for the Union in the 84th Ohio.

J. A. SMITH was born December 12, 1848. Went through public schools, including the High School of Cleveland. He attended Ohio Wesleyan University, at Delaware, Ohio, graduating in 1871, taking a classical course. Read law in office and at Ohio Law College, graduating therefrom, and admitted to the bar July 4, 1872. Is in partnership in the firm of Smith & Blake.

A. STRAUSS was born in Cleveland, June 30, 1863. Educated in Cleveland public schools, including the Central High School. Studied law with Burke, Ingersoll & Sanders; admitted to practice in March, 1888, standing at the head of a class of fifty-six, at Columbus. He held positions with various local business houses before taking up

the study of law, and taught school for several years in Cleveland. He is an expert stenographer, and taught a class in this branch of commercial education for some time. He is now in the office with Judge Stevenson Burke.

C. B. ROBINSON was born October 19, 1853. He first went to country school, then to the high and normal schools, afterwards taking a two years' course of study at Oberlin College. He attended the Michigan University, at Ann Arbor, for one year, studying law, and also spent a year reading with Messrs. Hathaway & Osborne, of Chardon, Ohio. He was admitted to the bar June 9, 1879, at Wooster, Ohio. He came to Cleveland two years later, and has since remained continuously in this city. Although a prominent member of the Republican party, and an active politician, he has not aspired to, or held any public office, except being at one time a member of the Republican county central committee.

HENRY L. ROBINSON was born in Ogden, Monroe county, New York, August 19, 1839. Was educated at Brockport Institute, Brockport, New York, and University of Rochester, in the class of 1865. He read law with Ingersoll & Williamson, of this city, from 1873 to 1876. He has not been engaged in active practice for some time past. He was employed in the office of the provost-marshal general in Washington during the year 1864.

W. D. PUDNEY was born February 22, 1846, at Sherburne, Chenango county, New York; educated at common school, and began a course at Madison University, New York; but the war breaking out, he dropped his school books and enlisted. He was for two years sergeant in company H, 5th New York heavy artillery, and a captain of company B, 123d New York gûfard, for two years. He studied law in the office of Hon. J. L. Cameron, at Marysville, Ohio, and was admitted to the bar August 26, 1872, remaining in Marysville to practice for five years. While in Marysville, he held the office of city solicitor for three years. He has been a resident of Cleveland since July 27, 1877, during which time he has been connected with the law firms of Jackson & Pudney, Jackson, Pudney & Athey, and now of Pudney & Thieme.

J. C. POE was born January 31, 1854, at Brooklyn village, Cuyahoga county, Ohio. He was educated in the village school of Brooklyn, at Greylock Institute two years, and graduated from Temple Hill Academy in 1875. He studied law with Ingersoll & Williamson, of this city, and for one year was at Ann Arbor, Michigan, law department; was admitted to practice in the State Courts in April, 1878, and to the United States Courts in May, 1881. Was elected township clerk of Brooklyn township April 3, 1881, and held the office for two terms. Was elected justice of the peace for Brooklyn township April 2, 1888, which position he still holds.

JOHN S. MERRY was born September, 1850, in London, England, where he attended private school for some years. He came to Cleveland, October 1, 1867, and was at Oberlin College from 1868 to 1870, when he left to prepare for admission to Michigan University, intending to take a course in civil engineering, but changed his mind, and in November, 1871, returned to England. He came back to Cleveland, however, in November, 1872. In 1880, he began reading law with Judge H. J. Caldwell, and was admitted to the bar in February, 1882, at Columbus, and to practice in the United States Courts in October, 1887.

HARVEY R. KEELER was born at Harlem, Delaware county, Ohio, July 1, 1858, and attended the district school of that village until he was sixteen years of age, when he was sent to Denison University, at Granville, where he remained six years, teaching school as opportunity offered during the meantime, to assist in defraying his college expenses. He graduated from Denison in 1880, and for four years thereafter was connected with the Bradstreet Company, at Cincinnati, Dayton and Cleveland, as a reporter, reading law meantime at all these places. Later, however, he studied with George W. Sowden, of this city, and was admitted to practice March 4, 1885.

J. H. DEMPSEY was born in Shelby, Ohio, March 29, 1859. Graduated from Kenyon College, at Gambier, Ohio, in 1882. He attended Columbia Law School one year, and was a student under Estep, Dickey & Squire for another year; was admitted at Columbus, in June, 1884. From January 1, 1886, he was a member of the firm of Estep, Dickey & Squire, until January 1, 1890, when the firm was dissolved by Messrs. Squire and Dempsey retiring to form a partnership with Judge William B. Sanders, under the firm name of Squire, Sanders & Dempsey.

ROBERT A. DAVIDSON was born July 4, 1830, in Wigtonshire, Scotland; was educated in the public schools and academies of Ohio. Read law with Hon. Joel Tiffany, and attended Cleveland Law School; admitted to the bar in June, 1852, at Columbus; admitted to United States Courts five years thereafter, and has since practiced in this city.

J. C. LOWER was born on the 19th day of February, 1860, in Mahoning county, Ohio. After the usual preparatory course, he entered Wittenberg College, at Springfield, Ohio, from which he graduated in 1885. He then read law one year with Judges Boynton & Hale, after which he entered the Law School at Cincinnati, from which he graduated in June, 1888, after which he began to practice in this city.

HENRY T. COWIN was born in Ohio, March 13, 1850. Was educated at common school, and entered Oberlin College, where he spent several years, most of the time as

a teacher. He withdrew from the institution to study law with Johnson & Metcalf, of Elyria, where he was afterwards admitted to practice in 1875.

JAY L. ATHEY was born January 28, 1855. Is a graduate of Zanesville, Ohio, High School. Read law with Southern & Southern, of Zanesville, and was admitted to the bar February 4, 1879. He soon afterwards came to Cleveland, and took an active part in the politics of the city, becoming, in a few years, one of the best known young men in Cleveland. He was a member of the city council, and was elected its president. He is now city auditor, and a member of the board of improvements. Has been associated with Messrs. Jackson, Pudney, Skeels, Melichar and Hogan in practice, and is now one of the firm of Athey, Melichar & Hogan.

H. C. BUNTS, the son of Captain Bunts, late city solicitor of Cleveland, left school at the age of fifteen, and accepted a clerkship in the office of the King Iron Bridge and Manufacturing Company. In May, 1877, he entered the law office of Kain & Gary, where he remained until March, 1878, when he received the appointment of librarian of the Cleveland Law Library Association, where he remained until October, 1881. He was admitted to the bar in June of that year, and upon leaving the library was appointed assistant city solicitor under George F. Kain. He held this office until October, 1855, since which time he has devoted himself continuously to his profession.

C. M. COPP was born in Detroit, Michigan; educated in the schools of that state, and later entered the scientific department of Hillsdale College, graduating therefrom in 1872. He came to Cleveland in 1875; read law, and was admitted to the Ohio and United States Courts in 1878. He has since been a member of the Cleveland bar.

A. BENJAMIN was born at Bainbridge, Geauga county, Ohio, January 2, 1849, and was educated at Chagrin Falls Academy and Oberlin College, taking the degrees of A. B. in 1870, and M. A. in 1875. His legal education was obtained at Michigan University, graduating in the class of 1872. He was admitted to the bar in 1872, and was associated with Arnold Green in 1872 and 1873. He at one time held the position of a master commissioner. Is at present engaged principally in the management of real estate.

CHARLES TAYLOR was born January 10, 1860; was educated at common school and at Hiram College, graduating from the latter place in the class of 1882. Studied law with Hon. C. A. Reed, of Ravenna, Portage county, Ohio, and with Ranney & Ranney, of this city. He was admitted to the bar in 1884, and has since been engaged in the practice of his profession.

FRANK SCOTT was born July 12, 1862. Was educated at the public schools, and took a classical course at Westminster College, New Wilmington, Pennsylvania; studied

law six months with Binford & Snelling, at Marshalltown, Iowa, and a year and a half with George W. Day, of this city. He was admitted to the bar January 1, 1889, and has just begun practice.

MONTAGUE ROGERS was born in London, England, where his education was principally obtained. When a young man, he came to America, settling finally in Cleveland, where he soon began the study of law, and was admitted to the bar in 1869. He still practices in this city.

JOHN W. TAYLOR was born November 10, 1851, at Mecca, Trumbull county, Ohio, and was educated at the Academy of West Farmington. After leaving school, he went into the office of Taylor & Jones, at Warren, Ohio, and was admitted to practice in April, 1878. Not satisfied with the studies he had so far received, he took a course in the law department of Michigan University, at Ann Arbor, from which institution he graduated in 1878. From that time until 1884, he practiced in Warren, when he removed to Cleveland, and has since been, and still is, a member of the Cleveland bar.

ROBERT S. AVERY was born August 11, 1841; educated in the Cleveland schools; read law three years in this city, and was admitted to practice in April, 1877; and has, therefore, practiced his profession twelve years. He is a prominent member of the present city council, and a member of the Republican county central committee, which latter position he has held four years. He was a leading candidate for city clerk last Spring, but, through the treachery of supposed friends, was slaughtered in the caucus before his very eyes. Mr. Avery was a good soldier during the war, having been a member of battery B, 1st Ohio light artillery, serving three years. Since the war, he has been a first lieutenant in the 15th Ohio national guard, now the 5th regiment, holding that position five years. He also served two years as inspector-general for the Union veterans' union, and is now chief mustering officer for the United States in that order.

J. E. FARRELL was born in Cleveland, January 21, 1865. Was educated at common and High School of Lorain, Ohio, and at the University of Notre Dame, Indiana. While at Notre Dame, he took up the study of law, and, after his return home, went into the office of Foran & Dawley, to complete his studies. He was admitted to the bar June 2, 1885, and has since remained in the office with Foran & Dawley.

ORLANDO HALL was born in Summit county, Ohio, September 28, 1855; educated principally at Yale College; studied law in the office of Hon. Rufus P. Ranney, and at Columbia College, New York City. Was admitted at Columbus in February, 1881. Has since practiced in this city.

G. L. INGERSOLL was born in Buffalo, New York, February 13, 1830. He obtained his legal education in Cleveland, and has been connected with the Cleveland bar since 1861. He was at one time associated with J. E. Ingersoll and John Hutchins.

B. W. HASKINS was born in Geauga county, this state, in 1848. Educated at public school; studied law at Cleveland Law College; admitted to practice in the State Courts in August, 1872, and in the United States Courts in April, 1873.

JOSEPH A. AMOR was born in Wiltshire, England, June 26, 1850. Educated in the public schools. Came to America; entered Ann Arbor, Michigan, College; graduated from that institution in 1880. Admitted to the Ohio Courts in December, 1880. Resides in Glenville, this county, and is a member of the board of health of the village. Practices his profession in Cleveland.

CHARLES W. BAKER, another Ohio boy, was born at Bedford; educated at Harvard College; studied law with Boynton & Hale, of Cleveland; admitted to practice in June, 1886. Is now located here.

CHARLES W. CHESNUTT was born in Cleveland, June 20, 1858, and was educated in the public schools of this city. He read law with Hon. Samuel E. Williamson, and was admitted to practice in March, 1887.

JAMES K. MEAHER was born in Mobile, Alabama, July 15, 1859, and was given an academic education. He studied law five years in all, beginning with Hon. John J. Perry, of Portland, Maine, and completing with W. W. Andrews and Henry Clay White, of this city. Was admitted to practice January 1, 1886. He is at present a deputy in the county clerk's office of this county.

HIRAM H. MUNN was born September 25, 1838, in Rockport, Cuyahoga county, Ohio. His early education was obtained at the country school at Rockport, at Paw Paw, Michigan, and at Chicago. He attended Baldwin University two and a half years. He then went to Allegheny College, and, after completing the course, came to Cleveland in the Spring of 1862, and studied law with M. S. Castle. He was admitted to the bar in 1864. In 1875, he became impressed with a strong apprehension that something was wrong with our system of government, and wrote a book on the subject, which he entitled "The History of the Declension of the Great Republic of the United States, with Evidences of its Impending Fall." He persuaded Messrs. Fairbanks, Benedict & Co., proprietors of the Cleveland *Herald*, that "there were millions in it," and they undertook its publication. The work was intended as a warning to the people to prepare for the dissolution of the American system of government; but before the book was put upon the market, the publishers made an

assignment, the work went out of form, and the author now has the only known copy in print.

P. W. PAYNE was born February 11, 1833, in Allegany county, New York. Was educated at district school, and graduated from Oberlin, Ohio, College, in 1861. He studied law with Kelly & Griswold, and Otis & Coffinberry, and was admitted to the State Courts September 10, 1866, and to the United States Court October 26, 1870. He still continues in practice in this city, and for the past four years he has been devoting considerable of his time to other business than that of law. He has been a member of the Cleveland board of education, notary public, and justice of the peace.

SAMUEL C. BLAKE was born at Euclid, Cuyahoga county, Ohio, in January, 1856. His education was common school, academic and collegiate, having spent two years at Oberlin. He took the regular law course at Michigan University, at Ann Arbor, and graduated, and was admitted to the bar in October, 1883. He has been associated with J. A. Smith, as Smith & Blake, since 1886.

OLIN W. BROADWELL was born at Dalton, Wayne county, Ohio, on February 14, 1855. His father was a Methodist minister, and having to remove frequently, as all ministers of that denomination do, Olin's education was obtained at the various towns at which his father happened to be located. He graduated in the class of 1877, at Oberlin, having been through a four years' course. Upon leaving college, he began reading law with George H. Foster, and was admitted to the bar on April 4, 1879, commencing the practice of his profession at Norwalk, Ohio. He came to Cleveland in the Fall of 1881, and engaged in the insurance business as traveling agent about three years, with a view of becoming familiar with insurance law. He then opened an office in Cleveland, and resumed his practice. At the beginning of 1889, Mr. Broadwell became an associate of Representative William T. Clark, taking care of the latter's business while a member of the legislature. Mr. Clark afterwards formed a partnership with Mr. Weems, of Logan county, and Mr. Broadwell will probably remain in the office with them.

CHARLES F. MORGAN was born at Oberlin, Ohio, August 3, 1851. Was educated at Oberlin College, graduating from there on August 7, 1872. He studied law in several offices of Oberlin and Cleveland, and was admitted to the bar in August, 1874, and has practiced in Cleveland ever since.

WILLIAM T. BUCKNER was born at Washington Court House, Ohio, January 2, 1846; educated at public school and Greenfield Academy. Is a graduate of Cleveland Law School since 1871, and had had three years' preparation before entering Law

College. He enlisted in 1861 for three years in company I, 73d Ohio volunteer infantry, and was discharged for disability before the expiration of his term. He re-enlisted, however, in company F, 175th Ohio infantry, and served to the close of the war. He came to Cleveland in 1872, and practiced his profession here from the Spring of that year until the Spring of 1884, when he removed to Sedgwick county, Kansas, where he now holds the position of probate judge for that county.

E. E. BROOKS was born in Newburgh, now a suburb of Cleveland City, October 10, 1861; graduated from the Cleveland High School in 1881, and from Western Reserve College in 1885. After reading law one year in the office of G. E. & J. F. Her- rick, of this city, he entered the senior class of the law department of Michigan Uni- versity, graduating with the class of 1887. He was shortly afterward admitted to practice in the Ohio Courts, and has his office with John C. Hutchins.

A. H. ATWATER was born June 25, 1850. Is a graduate of Western Reserve College, Hudson, Ohio. Studied law at the Columbia College, of New York City; was admitted to the bar in this state in 1883, and has practiced here ever since.

W. M. JOHNS was born in the county of Cornwall, England, September 16, 1838. Educated in select schools in England, and public schools of Canada; also at the academic institution at Belleville, Ontario, Canada. Read law in the office of Hon. Walter McCrea, of Chatham, Ontario, and with Austin Blair, and Johnson & Higby, of Jackson, Michigan. Was admitted to the Michigan bar September 16, 1861, and to the Ohio Courts in 1879. Was commissioned as general recruiting officer of the vol- unteer service by Austin Blair, then governor of Michigan, and Adjutant-General John J. Robertson, of Detroit, Michigan. Is now engaged in law practice in Cleve- land.

LUCIUS B. EAGER was born in Orleans county, Vermont, October 18, 1823. He was educated in the common schools and academy of his native state. He came to Cleveland in November, 1841, and engaged in contracting and building until 1859, when he was elected constable and deputy collector of internal revenue. These two offices he held until 1873, when he read law two years in the office of E. W. Goddard, and was admitted to the bar in 1875. He has since continued in practice in this city.

E. J. THOBABEN was born May 30, 1864; educated in the public schools of Cleve- land; studied law with E. C. Schwan; admitted to the bar June 9, 1887. Is now practicing in this city, in the office with Mr. Schwan.

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ANECDOTES, ETC.

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THE BURKE FISHER "EPIC."

GEORGE F. MARSHALL.

Somewhere, either in the last end of the "thirties" or the first of the "forties," there came to Cleveland a comparatively young man by the name of E. Burke Fisher—probably Edmund Burke Fisher, baptized, no doubt, under the full latter name, by the desire of an intellectual father who had Irish progenitors and proclivities, to perpetuate the name of that wonderful patriot who has made a name for his country as well as for the English language. E. Burke Fisher was a genius of the first water, and made his mark at once in Cleveland in a literary way, which has clung to his memory down to the present generation. His antecedents are briefly told in the fact that he shot up like a rocket in the city of New York about the year 1835, when he became a partner in the editorial control of Horace Greeley's first adventure, *The New Yorker*, writing the pyrotechnic display articles, and its occasional romantic ones, while the inevitable Horace did up the solid, commercial, tariffical, financial and agricultural ones to the gratification of a wide range of intellectual readers. E. Burke was regarded as equal to any emergency, and was able to dash off any amount of copy, if the compositor was ever so greedy, calling at the tube for "more." He could imitate tolerably well about any of the writers of his day, and palm his effusions off as the product of the author named. He had innocently deceived the public in placing in print poetry and prose bearing the names of Washington Irving, L. H. Sigourney, and W. Gaylord Clarke, and no one could detect the innocent swindle. When Willis Gaylord Clarke was running his "Ollapodiana" in the *Knickerbocker Magazine* (by the way, the most popular, quaint, high-toned humor of that day), he was induced to fill up a gap of an omission which Clarke had made in one issue of this magazine, and substitute one number of his own, which had all the brilliancy, humor and taste of the proper author; it took with great acceptance, although the transformation was well enough known to every reader of the *Knickerbocker*. *The New Yorker* was in the habit of using about all it could find in that magazine of interest to its readers, and never failed to copy all the "Ollapodiana" that appeared. E. Burke Fisher was not long on *The New Yorker*; he was too erratic

a man for a subordinate position, or else Greeley was not the sort of man for him to be associated with, nor was E. Burke the sort of man that Greeley would be likely to cling to for an every-day partner in editorial work. For some reason, which is not now in public keeping, E. Burke struck out in the world to make his own name, if not his own fortune. He took his more sedate partner's well articulated advice, and came West. Pittsburgh was his first abiding place, and there he essayed to do something in a literary way that would make a name as well as a fortune. A high-toned magazine was his first venture, which met with the fate of many scores more of a similar intent. Soon after his Pittsburgh venture, he made his appearance in Cleveland. A weekly journal entitled *The Gatherer* graced the counters of some of the merchants, but this, also, was a short-lived affair. He induced the proprietors of the *Advertiser*, a Democratic weekly, to run a daily edition, with him at the editorial head. This enterprise was of brief duration. And now the versatile journalist essayed to do something in the line of satire, in order to raise the wind. Soon after he made his home in Cleveland, the only two banks of issue and discount went by the board, and a war was waged against the receivers, and it culminated in a domestic war among the Democrats, when Fisher published a philippic, or "epic," as he termed it, in a Don Juan metre, entitled "Dog eat Dog." This poem created quite a sensation, and was followed by another, entitled "The Bench and Bar of Cuyahoga County. A Modern Epic. By Timothy Jenkins, Esq." It would have been more in accord with its text if it had been styled a satire instead of an epic. He appears to have, in this instance, copied Lord Byron's "English Bards and Scotch Reviewers," not only in lines and language, but also in length. But not following Lord B. in all respects relating to the poem, for E. Burke acknowledged not the least remorse for his unmitigated severity. Lord Byron endeavored to destroy his satirical poem, and supposed he had done so; but one copy was saved from the flames, to which he added notes and observations, and in an ante-preface note he makes manifest his remorse, as follows: "The binding of this volume is considerably too valuable for the contents; and nothing but the consideration of its being the property of another prevents me from consigning this miserable record of misplaced anger and indiscriminate acrimony to the flames." Fisher had not the least sense of remorse for his publications—in fact, he told Mr. D. W. Cross that he was tender with him, but he had to score up many others in order to make the work sell. The facts of the case were that the character of the man was such that those he had satirized took scarcely any notice of the little pamphlet, suffering him to go on in his efforts to belittle the best citizens Cleveland ever had; and now, that a full half century has elapsed since the poem saw the light, we find that out of nearly sixty men then living and mentioned in this tirade, barely one-seventh are still

g. A republication of that long-since-forgotten pamphlet could harm no one living or dead; while many points of character are well drawn and true to life, the fatal applications are but the ebullitions of a diseased and disappointed brain. Fisher, a lawyer, and assumed to try his hand or tact at the bar, and posted himself as an attorney and notary public; his success in that direction was well worth more sarcasm than any he was able to apply to his fellows; he could make more stir in the community, if not more money, by following up his tirades against men who love their life in life with vastly more credit to themselves and the community than he ever got it for. Fisher found his way to Columbus as a reporter for the press, and ultimately became connected with a paper which was inaugurated in Haysville to win public opinion in favor of that town as the proper place to locate the county buildings of the newly-created county of Ashland. At this place he dropped out of sight, if not out of life, and the places which once knew him now know him no more forever. It would be a useless waste of space to reproduce any considerable portion of this remarkable "epic," but the title-page, which is something after this fashion, may be given:

THE
BENCH AND BAR
OF
CUYAHOGA COUNTY:
A Modern Epic.

BY TIMOTHY JENKINS, ESQUIRE.

"A Great Country this!"

CLEVELAND:
PUBLISHED BY THE AUTHOR.
1843.

ANECDOTE AND INCIDENT.

The following is told upon the authority of an older member of the bar, who related it to a representative of a Cleveland newspaper: I think it was in 1839, when the Supreme Court judges used to go from county to county, on horseback or in stages, and hold court. On the occasion referred to, court was being held in the old house that stood on the south side of the Public Square. The judges were:

Judge Hitchcock, Ebenezer Lane, Reuben Wood and Frederick Grimke; Harvey Rice was clerk, and M. R. Kieth deputy. The case on trial, and in which the late Judge Sherlock J. Andrews and Henry B. Payne were attorneys, I believe, was one concerning a contract, and a jury was demanded. There were not so many people hanging around the court house as there are now, waiting for a jury job, and Judge Hitchcock immediately ordered a jury of the lawyers present. The legal gentlemen tried every way to get out of it, but the judge was inexorable. Twelve lawyers were selected, and sent into the box. I don't remember all their names now, but there were Herman Hurlbut, Woolsey Wells, Edward Wade, and, I believe, Messrs. Bolton and Kelly. Finally the case was concluded, and the jury sent out. They were locked up for a day, and returned at night with word that they could not agree. Judge Hitchcock said they ought to agree, and sent them back for another day. In vain they pleaded important business, in vain they framed all kinds of excuses; there was no help for them. At the end of the second day they again reported that they could not agree. Word was sent back that the court saw no reason why they could not agree, and that they must try it again. But in vain. At two o'clock of the third day they were called out, and, as there was no possible hope of their agreeing, they were discharged. Judge Hitchcock was disgusted, and I don't believe he ever heard another case before a jury of that kind.

WHEN JUDGE STARKWEATHER was on the bench, a case involving the ownership of a horse was brought before him. The counsel for the plaintiff was a well-known Cleveland attorney, a man of eccentric ways, and possessed of an unusually high, thin voice. During the course of his argument, he quoted from a mass of irrelevant testimony, and finally made some absurd statement which he claimed was based upon a ruling of Judge Starkweather himself. "Stop, sir, stop," cried the astounded judge. "Do you mean to say that I made such a ridiculous ruling? Why, sir, rather than be credited with such nonsense as that, the court would far sooner pay for this horse himself." Up jumped the eccentric attorney, and shouted in his high, squeaky voice: "I should think you would, your honor, I should think you would." That, of course, was convulsing for both judge and spectators, but the humor of the remark was all lost on the eccentric attorney, who sat amid the laughter with a look of deepest gravity on his serious face.

THE PROFESSIONAL JURYMAN is the barnacle of the courts. He clings to them with an unswerving fidelity, and finally feels that he has grown to be a very important factor in the administration of justice. Some of the fraternity pick up considerable legal knowledge during their long terms of service in the jury box, and are proud to

display it. One of them, a well-known character, and an indefatigable "sitter," who has haunted the Cleveland courts for many years, was asked one day how he was getting along. "Pretty well, pretty well," said the old man, rubbing his hands together; "the young lawyers bothered me a good deal at first, but I'm getting so I understand 'em very fairly. Perhaps you wouldn't believe it, but I've got from 'iota' and 'scintilla' up to 'duress' and 'purview.' Yes, indeed, I have." As these are always favorite terms with young lawyers, the old "sitter's" ears had probably listened to them so many times that he had finally absorbed their meaning.

WHEN THE LATE Hon. John McSweeney was in Cleveland as counsel in a noted suit for heavy damages brought by a prominent professional man, he came into contact frequently with a certain member of the Cleveland bar. This gentleman was not to be overawed by the famous criminal pleader, and soon gave him to understand that Cleveland attorneys—and this one in particular—were about as well posted as any lawyer from Wooster. Whatever legal reference the Hon. John made, the Cleveland attorney was perfectly familiar with it—at least he said he was. At length the big lawyer from out of town determined to mention one reference that would have a tendency to puzzle the local limb. He made a brief statement of some unimportant fact, and then added: "You will find precedent for this in 400, n. g. Of course," he said, as he hastily turned to the Cleveland man, "you are familiar with that." For a moment, only, the knowing man looked puzzled. Then he brightened up. "Four hundred, n. g.?" he cried. "Four hundred, New Jersey! Familiar with that? Of course I am."

A STORY TOLD by Mr. George F. Marshall, in the *Magazine of Western History*, for January, 1888: A gardener and a lawyer were neighbors in the early days of Cleveland. The gardener said to the lawyer that he had a claim against a man, and he asked the attorney what was the best method to adopt for its collection, as the debtor was very backward about coming forward. He told him to make out the bill, and take it to a justice, and have it sued. The fee for advice was the sum of five dollars. The lawyer wanted to know how best to keep his cabbages over Winter; the gardener told him to bury their heads down, with the roots on. The lawyer sued for his fee, and the gardener claimed an off-set. The lawyer won, and the gardener lost. And here lies the difference.

FROM "Early History of Cleveland, Ohio," by Col. Charles Whittlesey, 1867, page 368: One of the commissioners for fixing the county seat (of Cuyahoga county) presented his bill for services, in the following words:

"COLUMBIANA COUNTY, OHIO, }
October, 1809. }

"DEIR SIR : I have called on Mr. Peaies for my Pay for fixing the Seat of Justis in the County of Cuyahoga and he informt me that he did not Chit it [get it?]. Sir, I should take it as a favour of you would send it with Mister Peaies at your Nixt Cort and In so doing you will oblige Your humble sarvent,

R. B——R.

"ABRAHAM TAPPIN, ESQ.

"A Leven Days Two Dollars per day, Twenty two Dollars."

ONE OF Judge Spalding's stories : Somewhere about fifty years ago a gentleman (supposed to refer to Judge Tilden) made his first effort to address a jury, as my associate in a cause on trial in the Common Pleas of Portage county. He arose with a good deal of dignity, and said, with emphasis : "Gentlemen of the jury!" But beyond this it seemed impossible for him to get, until finally, after many repetitions, he said : "Gentlemen of the jury, if you do not decide this case in favor of my client, you will—you will—" ("dampen my aspirations," I whispered in his ear)—"you will dampen my aspirations, gentlemen!" When he said this in a commanding tone of voice, I caught my hat, and left the court house. He soon followed, and I was obliged to sue for peace.

WHEN Judge John C. Hutchins sat upon the police bench, he seldom allowed dignity to stand in the way of a joke. One morning a prisoner, in stating his case, said : "He hit me on the nose, and then I went out of doors head first."

"That is," said his honor, "you went out on a strike."

ONE EVENING, at a banquet of the stenographers, in Weisgerber's Hall, Mr. Henry J. Davies told this story, in response to the toast of "The Ladies," and vouched for its truth : Davies had telephoned an assistant to go to the Probate Court at a certain hour, and take the testimony in a case there being heard. Just as court opened, a quiet young man walked into the room. One of the attorneys, John Coon, Esq., turned to him, and said :

"Well, I suppose you have come here to do a little business?"

"Y—yes," said the young man, in a hesitating manner.

"Have you any paper?"

"No, sir."

"Nor pen?"

"No, sir."

"We will have to supply you, then."

The young man sat down at a desk, on Judge Tilden's direction. Paper, ink and pens were placed before him. Then the judge said: "I guess we are now ready to proceed," and the examination of a witness commenced.

Said Mr. Coon to the witness: "State what you said and did on the day in question."

The witness answered at some length. A certain painfulness of effort on the part of the young man caused Judge Tilden to look over his shoulder. He had written out in an irregular hand the word "State," and that was all he had done.

"See here, young man," said the judge, "can you write shorthand?"

"No, sir, not as I know of."

"Were you not sent here to report this case?"

"No, sir, I came after a marriage license."

He had supposed that all of this was a part of the preliminaries.

AN EARLY slander case, as related by the Hon. John A. Foote: Somewhere about 1836, a weather-beaten man, with some marks of dissipation, came to our office to have us commence a suit for slander against his brother. It seemed that the wife of this man, Captain Reuben Turner, had been called as a witness in a suit where his brother, William Turner, was a party, and that she had testified against William. That William at once arose, and denounced her to the audience as a bad woman. Upon this the old captain, probably then under the influence of liquor, advanced to her, and, throwing his arms about her neck, exclaimed: "Now mind, Mima, old uncle Reuben loves you yet." We brought suit, and recovered a judgment. The old captain soon came in and reported to us that his brother William had called on him and complained that he, the captain, would ruin him by collecting the judgment. He told us that he replied to his brother that he did not wish to injure him; that he did not want a cent of his money, but that he must sign a writing "that he lied about the old woman," and that then he would give up the judgment. I think William would not sign the papers, and that the old captain collected the judgment. This love for his wife, and his odd, sailor ways and expressions interested me, though he continued his intemperate habits. But at length I met him, and perceiving a great change for the better, with all marks of intemperance gone, I exclaimed: "What has produced this great improvement?" He replied that he had become a temperance man—that "the old woman had loved him out of the ditch."

A "WRITER OF PLEASANT GOSSIP," in a Cleveland newspaper of some years ago—the now absorbed *Herald*, if we remember rightly—furnished the public with a few recollections of events "at Peter Numsen's," which are worthy of reproduction here:

Peter Numsen was the pioneer in the trade in this city, and served dinners for over thirty years. Around his table for a generation were wont to gather such genial spirits as Judge S. J. Andrews, Judge Ranney, Charles Palmer, Isaac Buckingham, Jason Canfield, Jarvis M. Adams, Judge Jones, O. G. Getzen-Danner, the famous railroad lawyer, etc. Judge Ranney's shaft of ridicule was always as potent here in social intercourse as in the trial of a case. But ridicule would not suffice one day to appease his anger, when a copy of A. G. Riddle's "Bart Ridgeley," which had just come from the press, was shown him, with a leaf turned down where the judge was introduced in the book. For the essence of cultured Democracy, Jarvis M. Adams was looked up to as authority, and his sayings were always tinged with true wit. His language was toned like a cluster of Frederic Mistral's La Crau grapes, while that of his partner, Mr. L. A. Russell, was as a substantial boiled dinner, sauced with idioms concocted by the speaker. O. G. Getzen-Danner was a quiet listener, in those days, to the wisdom of the older members of the bar, and seldom ventured further than the rays of his beaming smiles, unless the question related to the liability of railroads for damages to live stock. Judge Heisley—it was John Heisley then—was never himself unless he was well launched in one of his Dutch stories, but the table having once settled to it, he generally succeeded in bringing down the house. Jason Canfield was a good inspirer. He always knew what strings to pull to bring others out, and, therefore, was indispensable. But the most reliable wit that ever sat at Peter Numsen's tables was Judge Sherlock J. Andrews. His countenance would gather and diffuse itself, aided by his sparkling eyes, when he saw the opportunity of sending a repartee home, and it always went like fire-works. He was sure to command attention. Every one knew it would be a gem, and no failure. One very cold day, a witness from the country, in a case where the judge was referee, rubbed his hands, and said to the judge that he had read in the paper that morning that a still colder wave was coming. "Is it possible?" said the judge, his eyes sparkling, as he quickly ejaculated: "Send for McMath; let's have it enjoined at once!" Members of the bar will readily see the depth, or rather the length of the point. Judge Jones's wit was generally guarded by that terse, crisp mannerism born of the dignity of the bench, and which seldom permitted any overflow, but tempered judicial conversation sufficiently for young attorneys to make the effort to obtain pointers in relation to their cases. Colonel Sowers frequently held the fort when taken at the soup stage of the course, and was always sure to take in all the bastions and angles.

EXTRACTS FROM a paper, "Old Times on the Western Reserve," published by Edmund Kirke, in the *North American Review* for August, 1887: At that primitive

period it was the custom, when a family was at home, to leave the latch-string out, in token that the house was open to all comers. Its absence, except at night, indicated that all the household were away, and then a dwelling was as safe from intrusion as if locked and double-bolted. One of the early banks of Cleveland was, it is said, once robbed, because the officers neglected to take the latch-string in when they closed for the day. There were a good many lawyers in Cleveland, but not much law, for all the laws of the state, at that early time, were contained in one thin volume, bound in flexible leather, and known as the "sheep-skin code." Almost every one was in debt, and as few could pay in cash, a statute was enacted allowing debtors to turn over to creditors any kind of personal property, at the appraisal of a jury. A Cleveland merchant sold goods to a farmer, who failed to pay for them at the time agreed upon. Thereupon the merchant brought suit and recovered judgment, when the farmer turned over to him fence rails and maple-sap troughs, which were duly appraised by a jury, at about ten times their value. The result was the merchant forgave the debtor the debt, and allowed him to retain the sap troughs and fence rails.

THIS STORY was related some years since by E. Cowles, Esq., editor of the *Leader*, at the expense of the venerable John A. Foote. The year 1842 was the era when the Washingtonian temperance movement was at its height. That old "sea dog," Captain Turner, was one of its moving spirits, and made many temperance speeches, homely, but very forcible and popular. Mr. Foote was engaged in the good work, with all the enthusiasm of his nature. At that time, he was a law partner of Judge Andrews, and the firm was known as Andrews, Foote & Hoyt. Just below their office was a notorious whiskey shop, known as the Hole-in-the-Wall. One day, while Mr. Foote was busy with the good work in the cause of temperance, he came into the office. There were present Judge Andrews, Mr. Foote and an Englishman from Euclid, whose name I have forgotten. As Mr. Foote was about leaving, the judge put on a serious expression of countenance, and commenced giving brother Foote this feeling advice: "Now, Foote, I wish you would refrain from your visits to the Hole-in-the-Wall. Try and walk by without entering that place. Remember your family, the reputation of our firm, and your standing as a professed temperance man. How can you afford to risk all, by entering that place? Now, try and go by the Hole-in-the-Wall without entering it." The Englishman, completely sold by the mock gravity of the judge, spoke up: "Advice well put, Mr. Foote,"—he pronounced the name "Fut"—"well put. Let me tell you, you had better accept it, and cease going to that Hole-in-the-Wall." Mr. Foote gazed at the Englishman with astonishment, that he should be mistaken for a toper, and then turned around and darted out of the door down into the street.

MANY OTHER STORIES might be told of Judge Andrews' dry wit. Some years ago, a young member of the bar, after considerable work upon his own part, was nominated to the state legislature. Upon being congratulated by a group of lawyers, he responded doubtfully: "I don't know whether I shall accept or not. I don't see how I can get away from my legal business."

"Why," said Judge Andrews, who stood by, "*I thought that case was disposed of last term?*"

FROM WHITTLESEY'S "Early History of Cleveland," page 473: While O'Mic was dangling upon the gallows, on the north-west quarter of the Public Square, the assembled multitude sat upon the timbers which Levi Johnson had collected for the erection of a court house. It was of the composite order. The lower story was divided in two parts, one of which was the jail, and the other the residence of the jailer. The apartment designed for criminals was constructed of blocks of square timber, three feet long, placed endwise and bolted together. Over all, in the second story, was a court room, equal in size to the ground plan of the building, the position of which is given on the map of 1814. Mr. E. Waterman officiated as jailer, president of the village corporation, and recorder. In 1828, the citizens became able and spirited enough to have a new court house, and a separate jail. It was a fine building for those times. It stood upon the south-west quarter of the Square, facing towards the lake. Here justice was administered thirty years, until it became wholly insufficient for want of room, and unsafe for the public records. The present edifice for the courts and other public offices was erected in 1858. H. L. Noble, one of our early and honest mechanics, had the contract for building the brick court house (the one on the south-west quarter of the Square.) When it was taken down, it was found to be sound and good as new, and, except in the exposed wood-work, was capable of enduring at least another century. The old stone jail, oftener called the "Blue Jug," stood opposite the court house, on the south, fronting the Square. Of these twin institutions, where an entire generation received the administration of justice, where so many judges sat and lawyers labored, where sheriffs and bailiffs executed the decisions of the courts or the findings of juries upon troops of unlucky culprits, not a relic now remains.

FROM A SPEECH delivered by Hon. Rufus P. Spalding, at the annual meeting of the Early Settlers' Association, May 20, 1880: At a term of the Supreme Court, held in Trumbull county, in October, 1821, I was admitted to the practice of the law. The examination, I well recollect, was held in a large hall in Town's hotel. The two justices of the court, Calvin Pease and John McLean, and all the lawyers, including,

with others whose names I do not recollect, Elisha Whittlesey, Thomas D. Webb, Homer Hine, Jonathan Sloane, James D. Wheeler, Ralph Granger and Joshua R. Giddings, were present. The sideboard, at one end of the room, was, according to the custom of the day, plentifully supplied for the benefit of those who might choose to partake after the examination should be closed. In the course of the questioning, I was asked by Mr. Granger, who was not much of a "total abstinence man," "What is proof?"

"Tell him," said Chief-Justice Pease, who sat a short distance from me, and who could not always control his fondness for witticism, "tell him it is that which bears a bead."

In the month of March, 1823, I first saw Cleveland. I came from Warren, in Trumbull county, where I then lived, in the company of Hon. George Tod, who was then president judge of the third judicial district, which embraced, if I mistake not, the whole Western Reserve. We made the journey on horseback, and were nearly two days in accomplishing it. I recollect the judge, instead of an overcoat, wore an Indian blanket drawn over his head by means of a hole cut in the centre. We came to attend court, and put up at the house of Mr. Merwin, where we met quite a number of lawyers from adjacent counties. The court that I attended on my first visit was held in the old court house that stood on the north-west quarter of the Public Square, nearly opposite the Wick Block. The presiding judge was the Hon. George Tod, a well-read lawyer and a most courteous gentleman, the father of our late patriotic governor, David Tod. His kindness of heart was proverbial, and sometimes the lawyers would presume upon it. I recollect being present at his court in Portage county, on one occasion, when he was subjected to some little embarrassment by the wit of his friend, John W. Willey, of Cleveland. Mr. Willey was charged with the defense of a person who stood indicted for some petty misdemeanor, and, though a very astute lawyer, he found it difficult to clear his client without a single witness in his favor. There had been, the night before the case was called, a fire in Ravenna, and a small house had been burned to the ground, which excited much commotion in the village. When the case was reached for trial, on the call of the docket, Mr. Willey rose, and, with great gravity, asked the court to continue the cause until the next term.

"For what reason, Mr. Willey?" asked the benignant judge.

"May it please your honor," said our facetious friend, "one of our principal witnesses was burned up in that fire last night, and we want time to supply the loss."

Judge Tod was almost convulsed in endeavoring to restrain his laughter, but

finally was enabled to say: "Your motion must be granted, Mr. Willey. The cause stands continued."

The associate judges of the Common Pleas were, at the time of which I speak, Hon. Thomas Card and Hon. Samuel Williamson. Horace Perry was clerk, and James S. Clarke sheriff. The lawyers attending court were Alfred Kelley, then acting prosecuting attorney for the county, Leonard Case, Samuel Cowles, Reuben Wood and John W. Willey, of Cleveland; Samuel W. Phelps and Samuel Wheeler, of Geauga; Jonathan Sloane, of Portage; Elisha Whittlesey, Thomas W. Webb and R. P. Spalding, of Trumbull county. John Blair was foreman of the grand jury. No one of them all, except myself, is alive to-day. I very much doubt if a solitary individual who attended that court in 1823, whether judge, jury, attorney or witness, is left to greet you here to-day, other than myself.

IRAD KELLEY, an early and long-time resident of Cleveland, although somewhat eccentric, had a pretty level head, and was the individual to whom is attributed the saying, while acting on a jury, that he never found eleven men so contrary in his life; all were agreed upon a verdict but eleven, and they hang on like a set of dough-heads.

NOT EVERY one who is allowed to plead at the bar is even a tolerable Latin scholar. It is in the memory of many who have been inside, as well as outside, the Cuyahoga bar, when a member plead to a jury and felt it necessary to explain what "*ex post facto*," being rendered into our common vernacular, meant. "Why," says he, "every one knows what that means; it is as common as plain English; it means out of office—ex-president, ex-mayor, etc."

THE END.

